THE NEW-YORK HISTORICAL SOCIETY QUARTERLY

VOLUME XXXIX *October 1955* NUMBER 4

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THE NEW-YORK HISTORICAL SOCIETY
QUARTERLY

VOLUME XXXIX OCTOBER 1955 NUMBER 4

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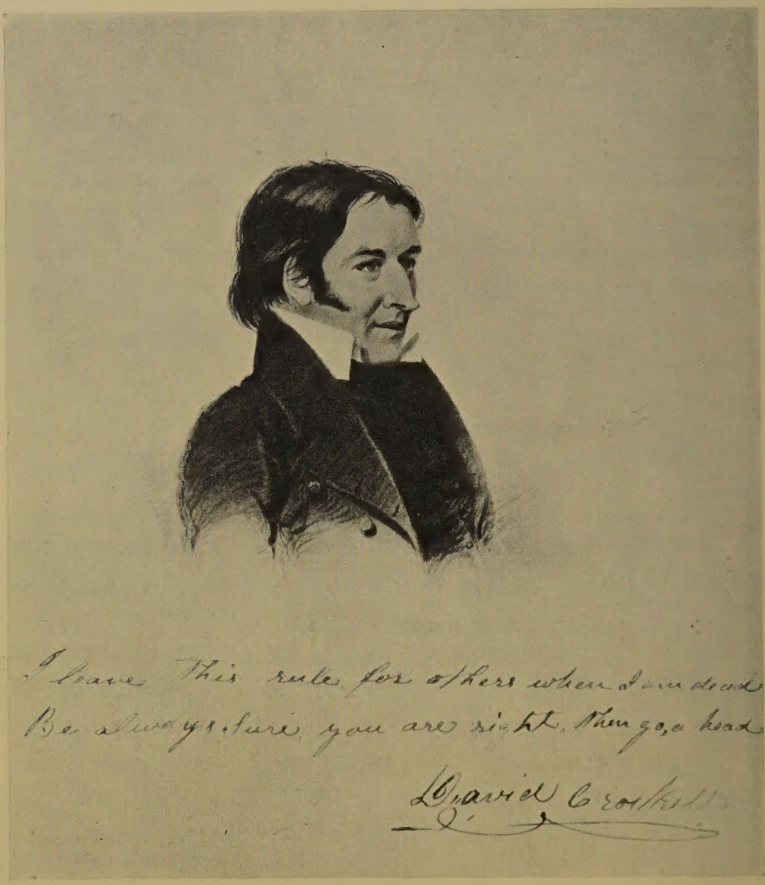


DAVID CROCKETT (1786–1836)
By Anthony Lewis DeRose (1803–1836)
Watercolor on paper
Gift of John Durand

THE NEW-YORK
HISTORICAL SOCIETY
QUARTERLY

October 1955

VOLUME XXXIX NUMBER FOUR

New York: 170 Central Park West

"HONOR TO GENIUS"

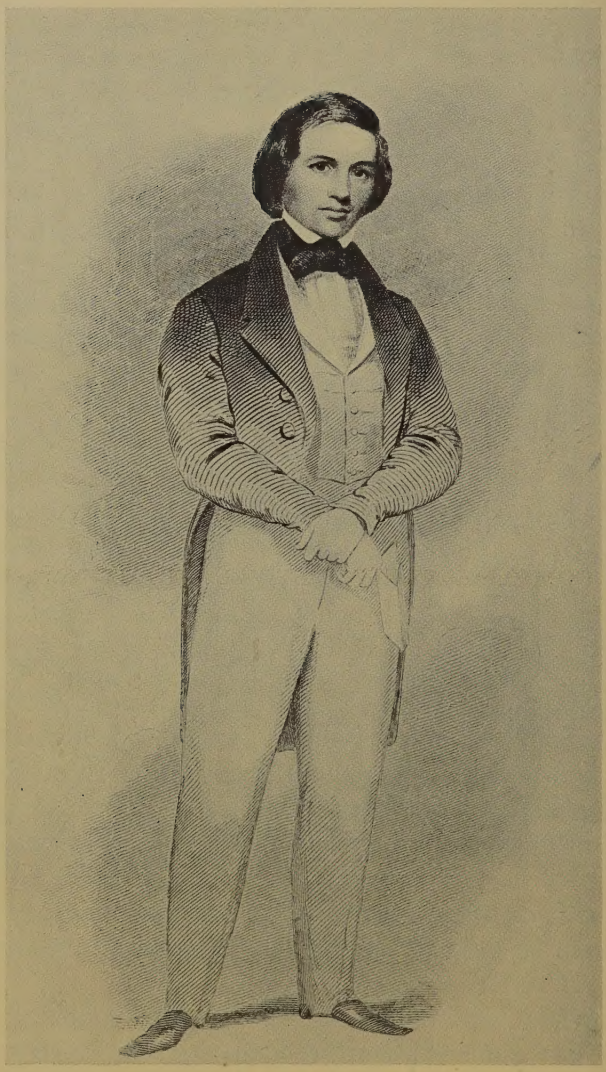
THE COMPLIMENTARY FESTIVAL TO AUTHORS, 1855

by WARREN G. FRENCH*

KNICKERBOCKER ETIQUETTE proscribed sharing carriages with strangers. Even though his fellow-passenger was to be a bishop, Washington Irving, past seventy but still spry, dismounted from the carriage that publisher George Putnam had thoughtfully provided. But rather than return to his nearby residence, the aging author walked the mile and a quarter from Manhattan's Twentieth Street to then outlying Fortieth Street in order to join a throng flocking into the glittering, but ill-starred Crystal Palace.

Meanwhile Timothy Shay Arthur, a comparative youngster of forty-five who had just achieved his first solid literary success with *Ten Nights in a Bar-Room* (the *Uncle Tom's Cabin* of the temperance movement), was disembarking from one of the still suspiciously regarded steam trains from remote Philadelphia in

* Dr. French is an Instructor in American Literature at the University of Kentucky and has contributed articles on popular American literature to several scholarly journals.



TIMOTHY SHAY ARTHUR (1809–1885)
Author of *Ten Nights in a Bar-room*
Engraved by W. G. Armstrong after a drawing by J. Tooley
Godey's Lady Book, November 1844

order to join the same crowd. Nor was he the only traveler in attendance. Mayor J. V. C. Smith had abandoned his civic duties in Boston to be one of the distinguished crowd gathering in the Gotham twilight on September 27, 1855.

Along with six hundred other invited guests and three hundred celebrity-hunting spectators, this trio assembled for "The Complimentary Fruit and Flower Festival to Authors," tendered by the New York Association of Book Publishers. Never before had there been such a gathering in America. Every literary figure the hosts could think of had been invited; and, if not all attended, enough did to assure the glorious success the sponsors wished.

This festival was not just a spontaneous expression of gratitude to native genius; it was primarily an extravaganza calculated to restore the diminishing prestige of the book trade. Back in the eighteen-fifties when it was more profitable to reprint pirated English novels than to publish copyrighted American ones, nearly everyone devoted to satisfying national cultural aspirations was dissatisfied. Authors were discontented because they were not adequately recompensed for their original labors; booksellers were in revolt against publishers' merchandising methods; the publishers were in turn engaged in cut-throat competition that threatened to lead to mass bankruptcy.

Since no orderly methods of distributing books had been effected in those days before the era of rapid transportation, national advertising, fair-trade laws, roaming publishers' agents and the *Saturday Review of Literature*, book-dealers contracted to purchase their stock at annual trade sales. They journeyed to the publishing centers—Philadelphia, Boston, but even then principally New York—to attend these intellectual auctions at which publishers placed whole editions of their wares on the block. Dealers' bids determined the selling prices; but if no dealer made a satisfactory offer, a publisher was at liberty to withdraw an entire lot and try again when more favorable omens augured. Since the price structure was chaotic, profits to publishers and dealers were unreliable, returns to authors were scarcely existent. Certain publishers had, furthermore, short-circuited the

normal procedure, unethically the others charged, by scheduling their sales before their rivals' and by peddling lots of books at bargain prices *sub rosa*. At first reluctant to tamper with the principles of free enterprise, the publishers were at last driven in self-defense to organize themselves. The New York Association of Book Publishers was created in 1855 to devise means, it was hoped, for merchandising books equitably and methodically. The members agreed to hold a joint annual trade sale at which all would put up predetermined quantities of their offerings to be sold, without reservations, to the highest bidder. Harper and Brothers alienated their competitors by being the only leading house to refuse to subscribe to the new proposals.[1]

It occurred to the publishers that the first joint sale, scheduled to begin September 18, 1855, would offer an opportunity to do more than sell books. To bolster their waning prestige, they decided at their March meeting to sponsor at the end of the sale a festival honoring American authors and booksellers. It would be held at the Crystal Palace and would thus also help solve the problem that was embarrassing all New York of what to do with the large, but largely useless structure built in 1853 for the city's imitation of London's Great Exhibition of 1851. President William H. Appleton entrusted arrangements for the festival to Charles A. Stetson, manager of the renowned Astor House, and plans expanded as the months progressed. Thus it was that Irving, Arthur, and Mayor Smith converged upon the Fortieth Street entrance to the Palace at half after six on the evening of September 27th.

What greeted those entering the Palace amply repaid them for their pains in getting there. The entire north wing had been enclosed with alternating strips of red, white, and blue bunting to form a pavilion, within which six long tables ranged northward from a dais at the southern end of the hall. Those not invited to dine were confined to a gallery overlooking the pavilion. The other decorations were enthusiastically described in the next day's *New York Times*:

[1] *American Publisher's Circular and Literary Gazette*, I (Sept. 1, 1855), 1–2.

In front of the President's chair, resting upon a small platform, was placed a cornucopia, from the mouth of which poured the luscious flood of the gifts of Pomona. From the other extremity hung a card, inscribed with the words: "May Plenty crown the humblest board." This appropriate emblem was a gift from the New York Horticultural Society. Above, elevated in the gallery, so that it cast a glow upon NOLL'S BAND that discoursed the finest of instrumental music till the evening ended, hung an illuminated motto in gas-work. It read as follows:

COMPLIMENTARY FRUIT AND FLORAL FESTIVAL
TO AUTHORS
BY THE ASSOCIATION OF NEW YORK PUBLISHERS
SEPTEMBER 27, 1855

T. S. Arthur reported that this sign was twenty feet high and twenty-five feet in length; but it was not alone, for, the *Times* continued:

Below this was suspended another illumination, also in gas-work:

HONOR TO GENIUS

Still further below, hung at the edge of the Northern gallery, was a statue representing the Muse of History, enclosed by an illuminated temple, in gas-work; the brow of the statue encircled by a brilliant crown, formed of minute points of light. The effect of this work was exceedingly elegant.[2]

Beneath this excess of elegance, a select crowd, "the like of which," President Appleton boasted, "the country has never seen before," gathered. At his table, besides Irving, were the President of Yale, the President of Columbia, the Mayors of New York and Boston, Samuel F. B. Morse, William Cullen Bryant, and Henry Ward Beecher. Some one hundred and fifty-three lesser authors were scattered about the hall. Although Emerson, Melville, Whittier, and Harriet Beecher Stowe found themselves unable to attend, they and sixty-two others sent florid apologies and fervent good wishes. Only a handful of testy individuals like Horace Greeley and George Ticknor ignored their invitations; but their discourtesy was more than compensated for by the presence of the Duyckinck brothers and the Cary sisters,

[2] *New York Times*, September 28, 1855.

AN IMAGINARY GATHERING OF

"WASHINGTON IRVING AND HIS LITERARY FRIENDS AT SUNNYSIDE"

From the engraving published in 1864 by Irving Publishing Co., of New York Left to right: Henry T. Tuckerman, Oliver Wendell Holmes, William Gilmore Simms, Fitz Greene Halleck, Nathaniel Hawthorne, Henry Wadsworth Longfellow, Nathaniel Parker Willis, William H. Prescott, Washington Irving, James K. Paulding, Ralph Waldo Emerson, William Cullen Bryant, John P. Kennedy, James Fenimore Cooper, and George Bancroft.

The New-York Historical Society

of Mr. and Mrs. Seba Smith, Bayard Taylor, Park Benjamin, Nathaniel Parker Willis and his outrageous, but enormously popular sister, "Fanny Fern," all of whom were prepared to dine lavishly at the expense of the penitent publishers.[3] Probably no one had thought of inviting a literary heretic named Walt Whitman, whose first book of poems had just appeared; certainly no one suspected that he would displace those celebrities who were honored at what unintentionally proved to be the valedictory feast of an era in American letters.

Even though the bluestockings had been admitted as equals and the men had agreed to forego cigars out of respect to them,

[3] *American Publisher's Circular and Literary Gazette*, I (Sept. 29, 1855), 75.

there were only fifty ladies among the six hundred diners. A reporter pointed out, however, that nine-tenths of the spectators were women, an indication of the state of culture in the 1850's that did not escape the alert authors or the three hundred booksellers from places as distant as Quebec, Texas, Florida, and St. Paul.[4]

The festival dinner was a tribute to the capacity of the nineteenth-century stomach and vividly reminds our effete generation that it has lost the digestive prowess of its forebears. T. S. Arthur, as a luminary of the temperance crusade, was overjoyed to observe that no intoxicating liquors threatened the evening's tranquility. It seems unlikely, however, that everyone shared his opinion that tea and coffee sufficed to wash down the profusion of cold dishes—turkey, ham, tongue, lobster, chicken—that were served after a twenty-minute blessing by the Right Reverend Alonzo Potter, D.D., Bishop of the Protestant Episcopal Diocese of Pennsylvania, probably the gentleman Irving had been reluctant to ride with.

The cold meats were temptingly arranged in ornamental forms representing such diverse subjects as "Serpents Destroying a Bird's Nest" and "Graces Supporting a Basket of Flowers." Besides these sculptures, there were pastries decorated to represent "geographical places, maps, and books of travel." The fruit—peaches, grapes, plums, watermelons, cantaloupes, a profusion of apples and twenty-one varieties of pears—were in baskets embellished with romantic and historical names, while the eleven varieties of fruit-flavored creams were molded into horticultural forms. The triumph of the evening was an ornamental pastry representing "The Temple of America." Such forms would appear to have been created for the ages; but recognizing the perishability of the materials, the authors showed no disinclination to consume them. For those who survived these edible literary allusions, there were confections, glacés, dried fruits and nuts with the coffee.[5]

[4] *New York Times*, September 28, 1855.
[5] *American Publisher's Circular and Literary Gazette*, I (Sept. 29, 1855), 79.

The guests needed substantial nourishment to fortify them for what was to follow. At eight o'clock the toasts began, and none of those invited to reply with fitting remarks to the seventeen regular toasts—to American literature, the clergy, the press, the authors, the booksellers, the publishers—relinquished the floor quickly, even though an unpredictable number of spontaneous toasts were to follow. The calibre of the sentiments is epitomized by a passage from a toast to "Our Lady Guests," playing upon the most noteworthy feminine contributions to the prosperity of American literature, "*The New England Tale* is re-echoed from the *New Home* of the Far West; and from a *Cabin* on the banks of the Ohio, a touch of Nature vibrates among *The Lofty and the Lowly*, through *The Wide, Wide World*."[6]

The climax of the evening was the address by William Cullen Bryant, who, both as America's most honored poet and a practical newspaper editor, was selected as principal peace-maker for this literary love-feast. Equal to this, as to many other occasions, Bryant replied to the toast to American literature with remarks designed to still the turbulent waters of professional discord. Beginning with a tribute to the erudition of Cotton Mather, Bryant vindicated his reputation as an orator by praising America's "struggling procession of authors, now increasing." Citing the wonders the nation had achieved in the production of "geographies, grammars, and literature for the entertainment of the young," he was delighted to report that he had found the works of America's most beloved poetess, Mrs. Lydia Hunt Sigourney, in demand "even on the little island of Malta."[7]

Turning next to the main business of the evening, Bryant saluted the booksellers, without whose aid authors could not flourish. "Whenever I see a rich bookseller," he observed to the delight of his hosts, "I know there have been successful authors." There should be, he proposed in conclusion, a book about the lives of eminent booksellers. Spellbound by Bryant's diplomatic panegyric, even the claque in the gallery gawking at this animated

[6] *New York Times*, September 28, 1955.
[7] *Ibid.*

THE NEW YORK CRYSTAL PALACE
Forty-second Street between Fifth and Sixth Avenues
Lithograph, 1853, by J. Bachman
The New-York Historical Society

Hall of Fame were not too disappointed that neither Thackeray nor G. P. R. James, both of whom had been confidently expected, appeared to uphold the virtues of "English Literature," when the toasts finally came around to it. Instead they listened patiently to Bostonian editor and publisher James T. Fields' rendition of his poem of twenty verses celebrating in galloping tetrameters the achievements of American authors. It was eleven o'clock before the speechmaking was concluded by some inaudible remarks from "Peter Parley" Goodrich, kindly patron of juvenile readers. "Take it together," the *Times*' reporter exulted, "the whole affair was a perfect success."[8]

The other papers were less sure. The *Courier and Enquirer* man, although he thought the gathering pleasant and the speeches excellent, believed that "the evening would have been yet more

[8] *Ibid.*

pleasant, and the purposes of the Association much better attained, had the occasion been made less formal."[9]

The guests' reactions varied. Timothy Shay Arthur, although he regretted that the celebrants had not worn identifying badges, returned to Philadelphia jubilant. "We hope," he confided to the readers of his family magazine, "it is but the beginning of a series of annual re-unions of a like character." "Toilers in the same field," he continued in a burst of uncustomary rhetoric, "why should not authors meet occasionally, mingle one with the other, and sit down in familiar intercourse?"[10] Washington Irving suggested one reason why not; when his friend Moses Thomas invited him to a similar gathering in Philadelphia, he replied, ". . . the annoyance I suffer at dinners of this kind, in having to attempt speeches, or bear compliments in silence, has made me abjure them altogether."[11]

The editors of the *Times* summarized the sentiments of the local press in their observation that the festival had been a "brilliant success" that ended "the traditional antagonisms between authors and publishers." The editors looked forward to "a recurrence of the festival." The sponsoring publishers, although they had no comment upon the joint trade sales that inspired the festival, agreed that the banquet had been "exciting and inspirational to the last degree" and promised that it would be repeated annually.[12]

Such enthusiasm was premature; there were no more festivals. Authors, booksellers, and publishers continued to squabble, and two years passed without mention of a second fete at the Crystal Palace. Then in 1858 the Palace burned to the ground. Recapitulating its unhappy history, the *Times* reported nostalgically, "The Publishers' Festival was the first of its kind and went off with a considerable degree of success; but proved to have been

[9] *American Publisher's Circular and Literary Gazette*, I (Sept. 29, 1855), 66.

[10] *Arthur's Home Magazine*, VI (Nov., 1855), 252.

[11] E. C. Duyckinck (ed.), *Irvingiana: A Memorial to Washington Irving* (New York, 1860), 62. There is a description of Irving's trip to the festival in Pierre M. Irving (ed.), *The Life and Letters of Washington Irving* (New York, 1888), III, 275–276.

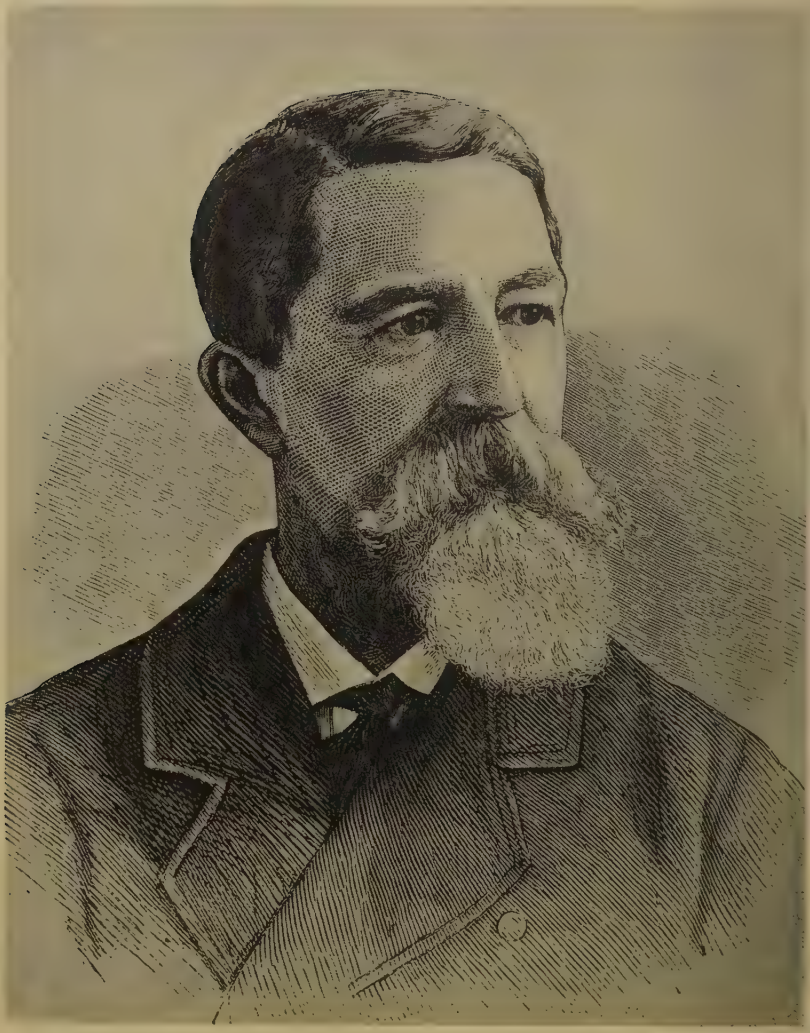
[12] *New York Times*, September 28, 1855.

the last, for the publishers have never since ventured upon a similar experiment."[13]

Nor have they since. "The Complimentary Festival" is unique in the history of American letters. It was a typical manifestation of the exuberant but often groundless optimism of the flamboyant fifties, destined to suffer such a crippling blow in the Civil War. The war, in fact, caused the disintegration of this particular publishers' association, a product of our spectacular literary infancy. It has had, however, successors that have continued to grapple with the complicated relationships between authors, publishers, and booksellers. These problems were neither soon nor easily solved, but beginning in 1891 with the passage of the International Copyright Act, the business of making and selling books in the United States achieved new scope, stature, and security. While there are still problems, as there always will be in any business where creative personalities are more important than mass production, great strides forward have been made in the past century.[14] To hold in 1955 another "Complimentary Festival" for all those associated with writing, publishing, and merchandising books would strain even the resources of New York City; but the position that the United States has achieved in the world of letters renders superfluous any flaming gas-jets to spell out "Honor to Genius."

[13] *New York Times*, October 6, 1858.

[14] Donald Sheehan, *This Was Publishing* (Bloomington, Ind., 1952), 199–237, discusses further efforts at the self-regulation of the book trade.



SILAS WRIGHT BURT (1830–1912)
Engraving after a photograph by Sarony
Harper's Weekly, August 3, 1878

PIONEER IN CIVIL SERVICE REFORM:

SILAS W. BURT AND THE NEW YORK CUSTOM HOUSE

by WILLIAM HARTMAN*

THE MOVEMENT TO REFORM political abuses, climaxed during the progressive era of the early twentieth century, germinated in the post-Civil-War period. The civil service reformers assailed the system of boss rule and machine politics. Government slowly responded to the demands of the reformers by denying thousands of offices to the politicians which formerly had gone as a reward for faithful service. Although idealists and perfectionists were included in this crusade, there were practical men whose honesty, earnestness, and performance demonstrated conclusively that a civil service system could work.

Such a worker for a responsible, non-political administration of the government offices was Silas Wright Burt. Born in Albany, New York, in 1830, Burt came from a family that had a persisting interest in politics. His grandfather was a member of the New York Senate for twenty-two years, and his father, Thomas M. Burt, was a partner in the Democratic *Albany Argus*. Since the paper was the organ of the Albany Regency, Thomas M. Burt was close to Martin Van Buren, William Marcy, John A. Dix, and particularly Silas Wright, after whom his son, Silas, was named.[1]

In 1837 Silas Burt began an attendance at the Albany Academy which lasted for five years. While there he received more than his share of "licks," since he had "a natural instinct for boyish mischief."[2] After completing his studies at the Kinderhook Academy, he entered Union College where he was a classmate

* Dr. Hartman has been for the past five years Lecturer in History at Brooklyn College. The present article is an outgrowth of his study of the New York Custom House, published in part in the April 1953 number of *New York History*.

[1] Silas Wright Burt, "My Personal Reminiscences," vol. I, pp. 5–12, MS., N. Y. Historical Society.

[2] *Ibid.*, pp. 13–17.

of Chester A. Arthur, whose path he would cross several times in later life. Burt graduated in 1849 as a civil engineer.[3]

For the next few years he worked as a railroad engineer in the Hudson Valley of New York and in Canada.[4] By 1856 he was married and living in West Stockbridge, Massachusetts, where he unsuccessfully ran an iron furnace.[5] On the eve of the Civil War he had an idea which was to change his whole career. Realizing the military importance of Virginia in any armed struggle, Burt drew up a map of that state, which won the approval of the Inspector General of New York and led to an appointment in 1861 as temporary clerk in the Inspector General's office at $1,000 a year, thus solving his employment problem.[6] Here was the humble beginning of a career of fruitful public service.[7]

Within a year Burt rose in rank and was soon Assistant Inspector General with the rank of Colonel, whose duty it was to organize and supply army camps in New York and equip the New York regiments.[8] Burt, a Free Soil Democrat who had entered the Republican Party at its birth, was retained by both Republican and Democratic state administrations. Then in 1869 his military service ended and he entered the spoils-ridden New York Custom House as a clerk in the Naval Office.[9]

For years before the presidency of Grant the New York Custom House had been the juiciest patronage plum on the entire federal tree. During Grant's time it was fully integrated within the Conkling machine, its extensive patronage first enabling Roscoe Conkling to become the Boss of New York and then being used to maintain his power. Political service and not merit was the customary standard for appointment and the Custom House offices were packed with political workers who were far

[3] N. Y. *Evening Post*, Dec. 2, 1912, Burt MSS., N. Y. Historical Society.
[4] *Ibid.*
[5] Burt, "Reminiscences," II, pp. 125–133.
[6] *Ibid.*, III, p. 171.
[7] By his own admission later in life Burt had never been successful in a business venture, except for investing in the Detroit Edison Company; *ibid.*, IV, p. 105.
[8] *Ibid.*, IV, p. 32.
[9] U. S. Senate, Report 576, *Report of the Committee on Civil Service*, 47th Cong., 1st Sess., p. 76.

THE NEW YORK CUSTOM HOUSE
Harper's Monthly Magazine, June 1884

more interested in controlling political caucuses and nominating conventions than in performing their public duties.[10]

The disposition of Custom House patronage was in the hands of the Collector of the Port, which consequently was an office of great political influence. Below the Collector and heading major divisions in the Custom House were the Surveyor, Naval Officer, and the Appraiser. Silas Burt was to make his career in the Naval Office.

The Naval Office was established as a check on the Collector's department and the signature of the Naval Officer was required for the completion of all papers. He was to examine and, if found correct, certify all the Collector's accounts. Prior to 1870, when Burt was promoted to deputy naval officer, "the functions of this office had been discharged in such a loose and perfunctory manner that it had ceased to exercise an obstructive or corrective privilege."[11]

Grant had named a well known New York City merchant, Moses Grinnell, to be Collector of the Port of New York. Grinnell entered office intending to please all Republican factions, but soon alienated the Conklingites. After sixteen months he was demoted to Naval Officer. When deputy Burt finally got up the confidence to address the new Naval Officer on the subject of appointments, he was able to convince Grinnell that the only way to avoid patronage headaches was to replace political appointments with competitive examinations.[12]

[10] See William Hartman, "The New York Custom House," *New York History*, XXXIV (April, 1953), 149–163.
[11] N. Y. *Tribune*, Apr. 22, 1883, Burt MSS.
[12] U. S. Senate Report 576, 47th Cong., 1st Sess., p. 80.

The civil service idea was still comparatively new in the United States of 1870. The British system had stimulated the speeches and reports of Congressman Thomas A. Jenckes of Rhode Island. Burt was influenced by Jenckes and by his own experience in the Inspector General's office. Given the green light by Grinnell, Burt went ahead to begin the first experiment in civil service in the Custom House and probably the first in any federal office of any size. Clerks were graded and given competitive examinations; the independence of the Naval Office from the Collector's department was successfully asserted; and old abuses like the issue of free permits to avoid paying duties on dutiable goods were eliminated.[13]

In 1871 Congress responded to growing pressure for a civil service law by authorizing the president to set up a commission and put into effect a civil service reform. Though Grant supported the Commission only half-heartedly, in 1874 it reported that wherever competitive examinations had been introduced it had brought persons "of superior capacity and character to the government."[14] By the end of Grant's administration, however, under the influence of bosses like Conkling, the civil service movement had been brought to a virtual halt, except in the New York Custom House where Burt was trying to hold on to the gains he had made against the spoilsmen.

When Hayes entered the White House in 1877, Collector Chester A. Arthur and Naval Officer Alonzo Cornell were firmly entrenched in the Custom House as Conkling lieutenants. Hayes was shocked by irregularities in the Custom House reported by the Jay Commission and realized that Arthur, whatever his good intentions, was too closely connected with machine politics and the Conkling organization to take the Custom House out of politics. In July 1878 Hayes took advantage of Congress's recess to remove Arthur and Cornell and to appoint

[13] N. Y. *Tribune*, Apr. 22, 1883, Burt MSS.

[14] U. S. Senate Report 872, *The Regulation and Improvement of the Civil Service*, 46th Cong., 3rd Sess., p. 8.

Edwin A. Merritt and Silas Burt in their places.[15] Liberal Republicans like George W. Curtis were delighted, while the Stalwarts dug in to fight.[16]

It was one thing for Hayes to nominate and quite another to get the Senate to approve in the face of Conkling's appeal to "Senatorial Courtesy." After a bitter and exhausting struggle in the Senate, however, Merritt and Burt were finally confirmed. This was a rude defeat for bossism and Senatorial control over executive patronage, and a signal victory for reform.[17] Burt, secure for the moment in his $8,000 a year post, thanked Secretary of Treasury Sherman for his efforts, to which he attributed his confirmation.[18]

President Hayes now revived the civil service rules which had fallen into disuse under Grant and applied them to New York alone. Hayes wrote Burt that his experience qualified him to take charge of examinations in the Custom House. The Naval Officer moved rapidly and by May, 1882, 1,560 persons had been examined, with 185 appointments and 82 promotions.[19] Under the new system definite qualifications were established for taking the examinations, and subjects like arithmetic, geography, history, grammar, and letter writing were made part of the tests. The Board of Examiners at the Custom House tried to be realistic and to include only subjects covered in the primary schools and pertinent to the duties to be fulfilled.[20]

The constructive work of Burt was recognized by all those interested in the reform of the civil service. George W. Curtis praised his work "as the decisive stroke in the reform. It has proved its practicability at the most difficult point; for if it is practicable in the N.Y. Custom House, it is practicable every-

[15] N. Y. *Times*, July 12, 1878.
[16] G. W. Curtis to Burt, July 29, 1878, Burt MSS.
[17] N. Y. *Times*, Feb. 4, 1879.
[18] Burt to John Sherman, Feb. 4, 1879, Sherman MSS., Library of Congress.
[19] U. S. Senate Report 576, 47th Cong., 1st Sess., p. 81.
[20] U. S. Senate, Executive Document 61, *Letter from the Secretary of Treasury*, 46th Cong., 3rd Sess., p. 5.

where."[21] Municipal reformers and law-makers from other states called on Burt for his advice.[22]

Burt joined with other sincere advocates of reform in organizing a National Civil Service Reform League (1881), which exerted a strong pressure on Presidents Garfield and Cleveland. Its leaders in New York were Burt, Dorman B. Eaton, Carl Schurz, George W. Curtis, and John Jay. Within a year it had active chapters in eleven states.[23] The New York leaders drew up a civil service bill, reflecting the influence of British experience and that of Burt at the Custom House, which became the basis for the Pendleton Act.[24]

Among the reformers invited by the Pendleton Committee to testify before it, Silas Burt held an important place. He recalled that before the introduction of reform not only was the Custom House used as a 'powerful political engine," but there were other serious abuses. He elaborated for the Committee:

> There were weighers and gaugers bribed to make short returns of quantities; damage appraisers to certify a larger percentage of damage than existed; samplers to return a lower grade of quality for assessment of duties .... inspectors detailed to steamers received from the stewards of these vessels a regular allowance of liquors, wines ... one line allowed a bottle of brandy and one of claret *per diem* ....[25]

Burt spoke vigorously for a federal civil service commission with overall supervisory powers and the authority to establish uniform standards, which otherwise could not exist.[26] On the subject of political assessments, which for years had provided the fuel for the state political machines, Burt, himself a Republican, testified that the Republican campaign committees were now disgusted with their failure to collect assessments. In the last elec-

[21] G. W. Curtis to Burt, Nov. 21, 1879, Burt MSS.

[22] J. J. Wistar to Burt, Mar. 4, 1881; Richard H. Dana to Burt, Apr. 7, 1884; Sen. Henry L. Dawes to Burt, Jan. 14, 1882, Burt MSS.

[23] National Civil Service Reform League, *Proceedings*, 1883, p. 3.

[24] U. S. Senate Report 576, 47th Cong., 1st Sess., p. 156.

[25] *Ibid.*, p. 78.

[26] *Ibid.*, pp. 99–100.

tion he had seen more independence on the part of the clerks than was ever shown before.[27]

The Pendleton Committee was convinced of the value of civil service rules and incorporated them in its bill. It was ironic that Chester A. Arthur, who, because of his connection with the Conkling machine, had become the symbol of the spoilsman, would sign the Pendleton Act into law. To Silas Burt, however, must go the distinction of providing the practical experience upon which the civil service law was based. The details of a civil service system were worked out under Burt at the Custom House and then extended to other federal offices. Ex-President Hayes was one of those who appreciated and congratulated Burt for his part in making the civil service law a reality.[28]

The last months of Arthur's administration were marred by his failure to reappoint Burt, upon the expiration of his four year term as Naval Officer. Political considerations outweighed the facts that Arthur and Burt had been classmates, had served in the army together, and had been good friends during the War.[29] Curtis despaired, asserting that it ended "everything at the Custom House."[30] The New York *Tribune* deplored the way Burt's fourteen years of faithful service had been brushed aside, and asked "whether firmness, rectitude and integrity are fatal to their official possessor."[31]

Happily for Burt at this point New York had enacted a civil service law and her governor was not bound to appoint officials strictly on the basis of party affiliation. Thus Governor Cleveland appointed liberal Republican Burt as Chief Examiner in the new system.[32]

In 1884 Burt's prospects of returning to the Custom House brightened with Cleveland's presidential victory. Since the Mug-

[27] *Ibid.*, p. 86.
[28] R. B. Hayes to Burt, Jan. 12, 1883, Burt MSS.
[29] Burt, "Reminiscences," IV, p. 61.
[30] G. W. Curtis to Burt, Mar. 4, 1883, Burt MSS.
[31] N. Y. *Tribune*, Apr. 22, 1883, Burt MSS.
[32] N. Y. *Evening Post*, Dec. 2, 1912, Burt MSS.

wumps had supported Cleveland, they had some mixed hope that Burt might be given the Collectorship, but they made allowance for the stern rigors of political necessity.[33]

In patronage matters Cleveland had a difficult problem. He was pledged to civil service reform but pursued by a ravenous party. When Cleveland's appointments to the top Custom House posts were made, they were met with a mixed reaction. The New York *Tribune* saw them as a political compromise: the new Collector represented the business community; the new Surveyor, the working politicians; and the Naval Officer—Silas Burt—the reform elements.[34] The Mugwumps were generally pleased with the appointments and frankly delighted with Burt's. The *Nation* praised Cleveland for the restoration of Burt to the Naval Office.

[33] Edward Cary to Burt, Dec. 29, 1884; G. W. Curtis to Burt, Feb. 24, 1885, Burt MSS.

[34] N. Y. *Tribune,* June 28, 1885.

"NO WELCOME FOR THE LITTLE STRANGER"

Patronage versus Reform in the first Cleveland administration

By Eugene Zimmerman

Published in *Puck,* May 21, 1885

It was one of those "acts of poetic justice, as well as of public duty, which . . . owing to the tyranny of party, few Presidents have ever been able to perform. No Republican President had ever done anything of the kind so creditable."[35]

Civil service reform, sarcastically held in contempt during the Grant era, had now under Cleveland acquired a certain respectability. Possibly to discourage a band wagon from developing, John M. Comstock, Chairman of the Board of Examiners for Customs, wrote a letter to the *Times*' editor to correct the impression made by New York City Postmaster James that James was a pioneer in civil service reform. Comstock preferred to give the greatest credit to Burt, Curtis, and Eaton. Because of the change in the climate of opinion, he wrote, it "is evidently becoming undesirable to show a record antagonistic to civil service reform."[36]

The Tammany machine and other working Democrats did not appreciate some of Cleveland's non-partisan appointments. The President, however, was never sorry about his choice of Burt, who he believed was giving "the people good government." By making civil service reform work, Burt would prove "to Democratic cavillers that his selection . . . has been vindicated by its benefit to the public service."[37]

Defeat in the election of 1888 was bitter enough for Cleveland to swallow, but, he wrote, "the treatment I have received from the advocates of Civil Service Reform makes my blood boil." Cleveland confided to Burt his conviction that the reformers who "attribute every mistake in selection of officers to wanton violation of principle and assume to know more of the conditions, motives and intents than those charged with responsibility, are worth nothing."[38]

Big Business rode in on the coat-tails of Benjamin Harrison, whose lack of devotion to the spirit of civil service was evidenced

[35] *Nation*, July 2, 1885.
[36] N. Y. *Times*, Mar. 27, 1886.
[37] Grover Cleveland, *Letters of Grover Cleveland*, ed. by Allan Nevins (Boston: Houghton Mifflin Co., 1933), p. 147.
[38] G. Cleveland to Burt, Dec. 6, 1888, Burt MSS.

by his top appointments to the New York Custom House. At the naming of a new Surveyor, the *Times* simply commented that one partisan was being replaced with another. The removal of the "upright, experienced, able, and highly trained" Burt, however, "especially before the close of the term for which he was appointed, is one of the most conspicuous and most inexcusable of Mr. Harrison's bad acts."[39] The National Civil Service Reform League agreed, describing the President's action as "brutal."[40]

Protests were unavailing and in 1889 Silas Burt left the New York Custom House for the last time as an employee of the Treasury Department. Despite future vicissitudes, however, the principle of civil service reform was established, largely due to

[39] N. Y. *Times*, Sept. 10, 1889.
[40] National Civil Service Reform League, *Proceedings*, 1889, p. 16.

REFORM IN SPITE OF ALL

A cartoon by Louis Dalrymple which appeared in *Puck*, August 21, 1889, during the administration of Benjamin Harrison. The caption reads: "DRAW YOUR OWN CONCLUSIONS. When Stanley carried the first steamboat up the Congo, the natives ran along the banks, yelling with rage, and striving to check his progress by throwing stones and other missiles. Mr. Stanley got there, just the same."

the achievements made in the Naval Office over the last two decades.

With the Republicans back in power, investigations were naturally undertaken to ascertain the extent of Democratic misrule. Civil Service Commissioner Theodore Roosevelt inquired into alleged assessments at the New York Custom House during the election of 1888. Having investigated the offices of the Collector, Naval Officer, and Surveyor, he concluded that only in Burt's department was the Pendleton Act "observed absolutely."[41]

For Silas Burt, involuntary withdrawal from government service at the age of fifty-nine did not lead to a tranquil retirement. The next few years were "troubled financial times" for the Burt family until again government saw the usefulness of Burt's experience and probity.[42] In 1895 Burt was named Civil Service Commissioner of New York, which post he held for the next five years.[43]

In his last years Burt was the elder statesman of civil service reform, serving as President of the Civil Service Reform Association. Finally in 1912 in his eighty-third year Silas W. Burt died, having served as one of the leaders of "what is now regarded as a remarkable reform."[44]

Unlike some of his colleagues, Burt was a practical reformer whose office was the testing ground for civil service principles. His experience in the Custom House laid the basis for the national system of civil service which was born with the Pendleton Act.

[41] N. Y. *Times*, Jan. 27, 1890.
[42] G. W. Curtis to Burt, Jan. 1, 1891, Burt MSS.
[43] Theodore Roosevelt, *The Letters of Theodore Roosevelt*, ed. by Elting E. Morison (Cambridge: Harvard Univ. Press, 1951), I, p. 216, footnote 2.
[44] N. Y. *Evening Post*, Dec. 2, 1912, Burt MSS.

UNKNOWN VIEWS OF OLD NEW YORK

by R. W. G. Vail*

V

Purchase of Manhattan Island, 1626

FROM TIME TO TIME our picture-minded populace asks us to produce for them a veritable representation of the scene at which the doughty and crafty Peter Minuit purchased the Island of Manhattan from the innocent aboringines for twenty-four dollars worth of trinkets. Since no contemporary artist seems to have been present on that historical occasion, the best we can do is to reproduce an original drawing which appears at first glance to be the inspired workmanship of one of the very red men who negotiated the famous purchase. This picture, which seems to have been drawn on birch bark, certainly records the event from the point of view of the wily natives who, after all, had a great deal of worthless rocky and unproductive real estate but craved the beads, knives and looking glasses of the Dutch. Evidently each party to the transaction was well pleased with his bargain, though the natives appear to have been particularly well satisfied with their first adventure at *Beating the Dutch*, if we may judge by the picture by the famous cartoonist, Will Crawford, which was originally reproduced from our drawing in the once famous comic magazine *Puck* for April 14, 1909.

For our more serious-minded readers who may wish the real story of the purchase, we quote from Wilson's *Memorial History of New York*, volume I, p. 159, the only contemporary account of the transaction, from the original in the National Archives at The Hague, written from Amsterdam to the States-General, in session at the Hague, by Pieter Jansen Schaghen, their Deputy from the States of Holland and West Friesland:

* This and the following article are the fifth and sixth of a series of which the first four parts appeared in our *Quarterly* in 1949 and 1950.

"BEATING THE DUTCH"

"A Birch-bark Record Depicting the Aboriginal Jubilation over Selling Manhattan Island for $24"

Cartoon by Will Crawford in *Puck*, April 14, 1909

From the original drawing at The New-York Historical Society

High Mighty Sirs:

Here arrived yesterday the ship *The Arms of Amsterdam* which sailed from New Netherland out of the Mauritius River on September 23; they report that our people there are of good courage, and live peaceably. Their women, also, have borne children there, they have bought the island Manhattes from the wild men for the value of sixty guilders, [It] is 11,000 morgens in extent. They sowed all their grain the middle of May, and have harvested in the middle of August. Thereof being samples of summer grain, such as wheat, rye, barley, oats, buckwheat, canary seed, small beans, and flax. The cargo of the aforesaid ship is: 7246 beaver skins, 178½ otter skins [178 half otter skins?], 675 otter skins, 48 mink skins, 36 wild-cat [lynx] skins, 33 mink, 34 rat skins. Many logs of oak and nut-wood. Herewith be ye High Mighty Sirs, commended to the Almighty's grace, In Amsterdam, November 5, Ao, 1626.

Your High Might's Obedient,

P. SCHAGHEN.

To the Honourable
RIP VAN DAM Esq
PRESIDENT of His Majesty's Council for the PROVINCE of NEW YORK
This View of the New Dutch Church is most humbly
Dedicated by your Honours most Obedient Serv

THE NEW DUTCH CHURCH

Burgis View of 1731

From the unique perfect impression of the first state recently acquired by The New-York Historical Society

VI

The New Dutch Church, 1731

GREAT GOOD FORTUNE has recently brought to our Society the only perfect copy of the first state of the famous Burgis view of the New or Middle Dutch Church which stood on the southeast corner of Nassau and Liberty (then called

Crown) Streets. It was drawn by William Burgis, artist of the famous panoramic view of the city, published in 1746, of which we own one of the two known copies, as well as the unique View of Fort George, 1730/31, which we also own.*

This is the earliest New York street scene and shows Nassau Street running south at the right and Crown or Liberty Street running east at the left. An early local jaywalker is shown at the lower left barely escaping the hoofs of the spirited nags which are presumably attached to the private coach of the Honorable Rip Van Dam, President of His Majesty's Council, to whom the print is dedicated, who lived nearby on Maiden Lane, east of Nassau Street. Presumably the gentleman excitedly waving his sword in the lower right hand corner of the print was somewhat upset by the near accident to the careless pedestrian. In the right background we catch a glimpse of the French church, the Église du St. Esprit, built in 1704.

The New Dutch Church, as it was then called (later known as the Middle Dutch Church), was "finished in 1731," as the print tells us, and, since Rip Van Dam's term of office as President of the Council ended on August 1, 1732, it is probable that the copperplate was engraved to celebrate the completion of the church in 1731. The plate may have been engraved by Burgis himself or by one of the other contemporary engravers, Thomas Johnston or Charles Le Roux.

Our engraving is the previously undescribed first state. The weathervane of the French church looks more like an angleworm than a weather cock so the artist reengraved it, adding a proper head and tail feathers which appear in the second state. There is also an addition to the ornament below the weather cock of the Dutch church in the second state which does not appear in our earlier impression, which is printed in a blueish shade of ink while the second impression is in black ink.

A badly mutilated second copy of the first state has just been given the Museum of the City of New York. Much of the sky and part of the inscription are missing, but the church and figures are intact. It measures *ca.* 14¼ x 10⅝ inches over all.

* *Quarterly*, January, 1950, p. 12–17, illus.

A copy of the second state of the print was owned by the Reverend Mr. Strong of Newtown, L. I., in 1856 when it was reproduced in Reverend Thomas De Witt's *Discourse Delivered in the North Reformed Dutch Church*, but that copy is now lost. Another badly mutilated copy was privately owned some years ago and was seen by two of our local printsellers but was in such poor condition that no one would buy it and it too is now lost. The only known surviving copy of the second state was found about 1863 by the famous print collector, William Loring Andrews, and is now in the American Wing of the Metropolitan Museum of Art. It is trimmed so close on all sides that the original plate mark is entirely missing and there is a mended tear in the left side of the print, but it is still a handsome impression. Our copy is trimmed close to the plate mark at the top but has ample margins on the other three sides. The print measures 13¾ x 9¾ inches within the plate mark and 14 x 11¾ inches over all. In addition to the reproduction of the second state of the print in the De Witt *Discourse*, it was reproduced in Mr. Andrews's *New Amsterdam, New Orange, New York;* was engraved on copper by Sidney L. Smith in 1900 as No. 2 of the series of facsimiles of rare views issued by The Society of Iconophiles of New York; as plate 28, volume 1 of Stokes's *Iconography of Manhattan Island*, 1915, with descriptive text on pages 261–263; and in various other local histories.

This was the fourth Collegiate Reformed Dutch Church in the city. It was 75 by 100 feet in size and was enlarged in 1764 and used down to the period of the British occupation during the Revolution when it became first a prison and then a riding school of the British army, during which time its interior was destroyed. It was repaired after the war and used as a church until August 11, 1844. It was then leased to the United States Government and was used as a post office until 1875 when it was remodeled and used as shops until, in 1882, it was torn down to make room for the building of the Mutual Life Insurance Company. Part of the original dial of its clock is now on exhibition in our museum.

PORTRAITS BY REUBEN MOULTHROP

A CHECKLIST BY WILLIAM SAWITZKY

Supplemented and Edited by

SUSAN SAWITZKY

AMONG the early American artists whose many anonymous or misattributed paintings were identified by William Sawitzky, during the 1930s, and their authorship verbally made known to their owners, was Reuben Moulthrop (1763–1814) of East Haven, and New Haven, Connecticut.

This artist, many of whose portraits, penetrating in characterization, and arresting in their simple design, are among the most remarkable in American painting, was comparatively little known during his lifetime for the gift by which he is now valued. His contemporary celebrity was rather as a wax modeller and showman, who for years, in connection or partnership with his several brothers-in-law and the well-known Daniel Bowen, supported his large family with the comfortable proceeds of these exhibitions, which appeared, not only in the Connecticut towns and villages, but in the cities of New York and Boston.

Moulthrop's portraits, a secondary source of livelihood, and, as far as we know, never painted outside the State of Connecticut, have, nevertheless, survived in sufficient numbers to be represented by about forty-five examples in William Sawitzky's forthcoming monograph[1] on the artist, while his once much-advertised and numerous wax figures seem to have disappeared completely, in substance, as well as in memory. Not one was found by William or Susan Sawitzky, and the only remnant known to them of the flourishing wax-work establishment of Moulthrop and Street is a small, colored bust of a young girl, owned by The New Haven Colony Historical Society, which

[1] This book, now being completed for early publication by The New York Historical Society, will be dedicated to Miss Emily H. Whitney, of New Haven, Conn.

was doubtless made by the subject's father, Justin W. Street, *c.* 1827: a realistic, somewhat countrified, and charming bit of portraiture, without artistic merit.

Moulthrop's earliest paintings, as identified by William Sawitzky, those of Samuel, and Lorinda (Morris), Hathaway, who were married at New Haven, in November, 1788, already show, what appears to be, the unmistakable influence of Winthrop Chandler[2] (1747–1790) of Woodstock, Connecticut, and Worcester, Massachusetts, as do his succeeding portraits, throughout the early and middle nineties. It must, therefore, be assumed that Moulthrop made more than one visit, evidently in the years 1788 and '89, to the neighborhood of Woodstock, where, in the homes of relatives and friends, portraits by Chandler abounded. Here, to judge from Moulthrop's early efforts, his first, almost inebriate inspiration, and subsequent soberer direction, were gained from the contemplation of Chandler's grimly beautiful and decorative work, while the artist, himself, then a resident of Worcester, was undergoing the appalling dissolution of family, finances, and health which ended his life in June, 1790.

These visits, of which no circumstances and no documentary substantiation are known, can find verification only within the paintings of each artist, and, reading this evidence in many revealing passages, one can be fairly confident of the exact portraits which young Moulthrop saw, with such profound quickening of his own creative impulse. Certainly, these portraits included the following likenesses by Chandler: the Reverend Ebenezer Devotion, Martha (Lathrop) Devotion, both inscribed with the date 1770; Judge Ebenezer Devotion, Eunice (Huntington) Devotion, the former inscribed 1772; Captain Samuel Chandler, and Anne (Paine) Chandler, companion portraits dated by Mrs. Little, *c.* 1777–78.

If speculation is needed as to how Moulthrop may have gained access to Chandler's portraits, some of these very examples seem

[2] The information concerning this artist and his portraits, in the monograph, "Winthrop Chandler," by Nina Fletcher Little (*Art in America*, vol. 35, no. 2, April 1947), has been of great assistance to Susan Sawitzky, in preparing this article.

MRS. EBENEZER DEVOTION (1716–1795)
By Winthrop Chandler 1770
Owner: Brookline (Mass.) Historical Society

MRS. SAMUEL HATHAWAY
By Reuben Moulthrop, *c.* 1788
Owner: New Haven Colony Historical Society

MRS. NICHOLAS STREET
By Reuben Moulthrop, 1789
From a photograph owned by Miss Agnes W. Storer

MRS. SAMUEL BISHOP (1728–1811)
By Reuben Moulthrop, *c.* 1793
Owner: Yale University

to point to a possible answer. The beloved Congregational Pastor of East Haven, the Reverend Nicholas Street, who was soon to become Reuben Moulthrop's father-in-law, had been a colleague, and doubtless a friend, of the Reverend Ebenezer Devotion, Pastor of the Third Congregational Church of Windham (Scotland), Connecticut, who had died in 1771. It seems probable that this connection was the means of Moulthrop's introduction into the homes of the Devotions, and of other nearby families, where Street must have remembered seeing many striking paintings by Chandler. Moulthrop's portraits of the Reverend Nicholas, and Hannah (Austin), Street, so obviously the result of contact with Chandler's portraits of the Devotions, may well have been done in gratitude to Street for this opportunity to examine Chandler's work. As the impress of Chandler is the one really formative, outside influence to be found in Moulthrop's paintings, this close and eager observation may have been the only instruction the younger artist ever received.

A few portraits which, through signature, early engraving, or convincing tradition, were known to be the work of Moulthrop, became the "key" examples which William Sawitzky used in identifying the artist's long-anonymous canvases. Among his most interesting attributions were the portraits of the Hathaways, mentioned above, which, in their unformed turbulence, might have remained unrecognized, as the initial efforts of Moulthrop, by a less discerning eye. Their fiery intensity is later disciplined; and captured, as within a lamp, in his great portrait of the Reverend Ezra Stiles, President of Yale College, which he painted, in two sittings, in 1794.

The known portraits by Moulthrop can be dated, with few gaps in their chronology, from *c.* 1788 to *c.* 1805. After this time, a long interruption appears to occur. The portraits begin again about 1811, coarser in drawing, and, in some examples, impregnated with a different spirit, which, compared with the luminous gravity of his former work, seems almost artificial. The rather forced smile, and awkwardly debonair manner, exhibited by

some of his late subjects, strike one as a violation of his characteristic approach. His portraits of the Reverend Ammi Ruhamah Robbins and Elizabeth (Le Baron) Robbins, painted in 1812, are, however, among his profound likenesses.

As the following Checklist will show, William Sawitzky was familiar with examples of Moulthrop's work, in its various phases, from the beginning to the end of his career, all of which were his own attributions, with the exception of the "key" portraits designated in this list. About fifteen paintings, which have come to light since her husband's death, have been added by Susan Sawitzky as, in her opinion, the work of this artist.

[1] Mrs. Samuel (Lorinda Morris) Hathaway (1768–1849), of New Haven, Conn.

Date: About November 11th, 1788, the time of her marriage to Samuel Hathaway, of Suffield, Conn.

Owned by: The New Haven Colony Historical Society, New Haven, Conn. Hanging in the Morris-Pardee House, New Haven,

Note: Examined by William Sawitzky, April 20th, 1939, and attributed by him (with its companion-piece) to Reuben Moulthrop, as probably the earliest extant examples of the artist's work. The influence of Winthrop Chandler (1747–1790), of Woodstock, Conn., and Worcester, Mass., seems already unmistakably evident. [Compare with Chandler's Martha (Lathrop) Devotion, 1770.]

[2] Samuel Hathaway (1760–1813), of Suffield, Conn.

Date: About November 11th, 1788, the time of his marriage to Lorinda Morris, of New Haven.

Owned by: The New Haven Colony Historical Society, New Haven, Conn. Hanging in the Morris-Pardee House, New Haven.

Note: Examined by William Sawitzky, April 20th, 1939, and attributed by him (with its companion-piece) to Reuben Moulthrop, as probably the earliest extant examples of the artist's work. The influence of Winthrop Chandler (see above) seems already unmistakably evident. [Compare with Chandler's Captain Samuel Chandler, and Anna (Paine) Chandler, *c.* 1777–78.] These paintings, remarkable, though somewhat ludicrous, in their intensity, probably represent the first emotional impact of Chandler's work on Moulthrop's awakening genius. The immediately following efforts appear to indicate a desire to correct this startling beginning, by a more painstaking imitation of Chandler's technical methods.

[3] The Reverend Benjamin Lord (1692–1784), Minister of the Congregational Church, Norwich, Conn., from 1717 to 1784.

Date: c. 1789?

Owned by: John Bliss, Brooklyn, N. Y.? or Conn.? in 1895. Present owner unlocated.

Note: Known to William Sawitzky only from a reproduction in *Old Houses of the Ancient Town of Norwich*, by Mary E. Perkins, 1895, opp. p. 336. Tentatively attributed by him to Reuben Moulthrop, as a copy, based on an earlier portrait, probably the work of Winthrop Chandler, *c.* 1772–75?, when the subject was in his early eighties. [Compare with Chandler's The Reverend Ebenezer Devotion, 1770. Compare, also, with Moulthrop's The Reverend Nicholas Street, 1789; The Reverend Timothy Pitkin, *c.* 1790; The Reverend Ezra Stiles, 1794; and The Reverend Enoch Huntington, *c.* 1803.] The uplifted hand, a gesture not found in any known portrait by Chandler, though repeated in Moulthrop's portraits of Stiles and Huntington, is an interesting detail. This copy, if William Sawitzky was correct in his conclusions, may usher in a second, and more orderly, phase of Chandler's influence on Moulthrop.

[4] The Reverend Nicholas Street (1730–1806), Minister of the Congregational Church, East Haven, Conn. His daughter Hannah married Reuben Moulthrop in 1792.

Date: 1789. Inscribed on back of old strainer: "N + S • • Ætate 59• • R + M — • Pinxit"

Owned by: Miss Agnes W. Storer, New Brunswick, N. J., a direct descendant of the subject.

Note: Not known to William Sawitzky. Examined by Susan Sawitzky, in 1948, who accepts the validity of the inscription, and believes this portrait (and its companion-piece) to be the work of Reuben Moulthrop, under the controlling impress of Winthrop Chandler's Woodstock portraits: so much so, that they at first appear to be from the latter artist's hand. A careful comparison, however, with the work of both painters, shows, in the Street portraits, a fumbling inferiority of brush-work and drawing, a muddiness of color, and a complete absence of Chandler's firmness of handling and sense of design, which convince Susan Sawitzky that they are not the work of Chandler, but of Reuben Moulthrop, under Chandler's, momentarily, almost eclipsing influence. Though a determined advance in realism over the two Hathaways, they wholly lack the earlier portraits' inspiration, and can be considered as an exercise in obedience and sober imitation. They form, preceded by The Reverend Benjamin Lord, an odd, but convincing, link between the Hathaways and Moulthrop's portraits of the early 1790s, all of which show Chandler's influence, together with the gradual emergence of Moulthrop's artistic individuality.

[Compare with Chandler's The Reverend Ebenezer Devotion, 1770, and Judge Ebenezer Devotion, 1772. Compare, also, with Moulthrop's copy (?) of The Reverend Benjamin Lord, 1789?; his The Reverend Timothy Pitkin, *c.* 1790; Samuel Bishop, *c.* 1793; and The Reverend Cotton Mather Smith, *c.* 1794–95.]

[5] Mrs. Nicholas (Hannah Austin) Street (1741–1802) of East Haven, Conn.

Date: 1789, according to inscription on strainer of companion portrait.

Owned by: A descendant of the subject, who, in 1948, was presumably still living in Germany.

Note: Unknown to William Sawitzky. Known to Susan Sawitzky only from a photograph of the portrait, taken in the midst of a family group, (in the possession of Miss Storer,) but accepted by her from this photograph, as the work of Reuben Moulthrop, under the dominating influence of Chandler. [Compare with Chandler's Martha (Lathrop) Devotion, 1770; Anna (Paine) Chandler, *c.* 1777–78; Eunice (Huntington) Devotion and Daughter, 1772. Compare, also, with Moulthrop's Lorinda (Morris) Hathaway, *c.* November 11th, 1788; Mehitable (Bassett) Bishop, *c.* 1793; Temperance (Worthington) Gale Smith, *c.* 1794–95.]

[6] Hannah Street (1767–1848) of East Haven, Conn. She married Reuben Moulthrop on November 18th, 1792.

Date: c. 1789–90. Small, oval miniature, on ivory.

Owned by: Miss Agnes W. Storer, New Brunswick, N. J., a descendant of Hannah Street's daughter, Delia Anne Moulthrop, who married William Storer.

Note: Unknown to William Sawitzky. Examined by Susan Sawitzky in 1948, and accepted by her, on stylistic grounds, as well as on the basis of family tradition, as the work of Reuben Moulthrop. [Compare with Moulthrop's Lorinda (Morris) Hathaway, *c.* November 11, 1788, and his Hannah (Austin) Street, 1789.] Though Moulthrop's first advertisement of an exhibition of wax-work in New Haven (*Connecticut Journal*, New Haven, Conn., September 4th, 1793) contains the following statement: "N.B. Miniature and Portrait Painting, as also exact likenesses in Wax, taken by Mr. Moulthrop at short notice," this is the only example of the artist's work in miniature, that has ever come to the knowledge of William or Susan Sawitzky.

[7] The Reverend Timothy Pitkin (1727–1812), Minister of the Congregational Church, Farmington, Conn.

Date: c. 1790.

Owned by: Yale University, New Haven, Conn.

Note: Examined by William Sawitzky, May 10th, 1935, and attributed

by him to Reuben Moulthrop. Moulthrop adheres closely to Chandler's formula in drawing the face. He has gained greater mastery over his brush, but has not yet achieved his own fine, flowing line. [Compare with Chandler's The Reverend Ebenezer Devotion, 1770, especially in the posture and treatment of the right hand. Compare, also, with Moulthrop's copy (?) of The Reverend Benjamin Lord, *c.* 1789?; The Reverend Nicholas Street, 1789; and Samuel Bishop, *c.* 1793.]

[8] Amos Morris (1723/24–1801) of New Haven, Conn. Father of Lorinda (Morris) Hathaway.

Date: c. 1791.

Owned by: The New Haven Colony Historical Society, New Haven, Conn. Hanging in the Morris-Pardee House, New Haven.

Note: Examined by William Sawitzky, April 20th, 1939, and attributed by him to Reuben Moulthrop. This portrait shows, for the first time, Moulthrop's characteristic style and treatment. It is, nevertheless, still strongly under the influence of Chandler, as can be seen in the crowded, and closely pressing background, the posture, and the stiffly bent waves of the coat edge. [Compare with Chandler's Captain Samuel Chandler, *c.* 1777–78, and Eunice (Huntington) Devotion and Daughter, 1772. Compare, also, with Moulthrop's Samuel Hathaway, *c.* November 11th, 1788.]

[9] Bradford Hubbard (1760/61–1825) of New Haven, Conn.

Date: c. 1791–92.

Owned by: The New Haven Colony Historical Society, New Haven, Conn.

Note: Examined by William Sawitzky, July 13th, 1933, and attributed by him to Reuben Moulthrop. In this fine portrait, Moulthrop has freed himself from the use of the background accessories derived from Chandler, so charmingly employed by the older artist, so unsuited to the simpler style of Moulthrop.

[10] Samuel Bishop (1723–1803), Mayor of New Haven, Conn., in 1793.

Date: c. 1793.

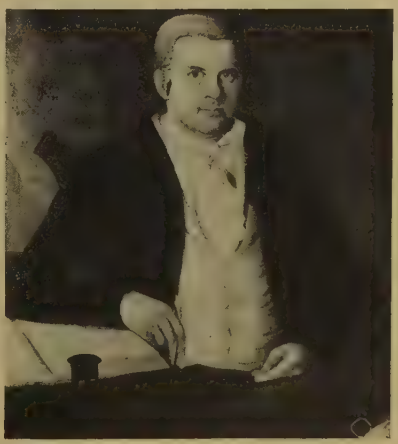
Owned by: Yale University, New Haven, Conn.

Note: Examined by William Sawitzky, in the summer of 1938, after seeing a reproduction of the picture in the bulletin listed below, and attributed by him to Reuben Moulthrop, as the original of a similar portrait (replica) in the possession of the New Haven Colony Historical Society. Reproduced in *Bulletin of the Associates of Fine Arts*, Yale University, June, 1938, p. 61, as by "Artist Unknown." [Compare with Chandler's The Reverend Ebenezer Devotion, 1770.]

CAPTAIN SAMUEL CHANDLER (1735–1790)
By Winthrop Chandler, *c.* 1777–1778
Owner: Mrs. Robert Child Paine, Thompson, Conn.

SAMUEL HATHAWAY (1760–1813)
By Reuben Moulthrop, *c.* 1788
Owner: New Haven Colony Historical Society

AMOS MORRIS (1723/24–1801)
By Reuben Moulthrop, *c.* 1791
Owner: New Haven Colony Historical Society



ABRAHAM BISHOP (1763–1844)
By Reuben Moulthrop, 1797?
Owner: New Haven Colony Historical Society

[11] Mrs. Samuel (Mehitable Bassett) Bishop (1728–1811) of New Haven, Conn.

Date: *c.* 1793.

Owned by: Yale University, New Haven, Conn.

Note: Examined by William Sawitzky, in the summer of 1938, and attributed by him to Reuben Moulthrop, as the original of a similar portrait (replica) in the possession of The New Haven Colony Historical Society. See note under preceding portrait. [Compare with Moulthrop's Hannah (Austin) Street, 1789, and with his Temperance (Worthington) Gale Smith, *c.* 1794–95.]

[12] Samuel Bishop (replica).

Date: Uncertain.

Owned by: The New Haven Colony Historical Society, New Haven, Conn.

Note: Examined by William Sawitzky, July 13th, 1933, and attributed by him to Reuben Moulthrop. After examining, in 1938, the similar, but far superior, portrait of the subject, in the possession of Yale University, he felt this version to be a replica, lacking in the living quality of the original, yet showing the hand of Moulthrop.

[13] Mrs. Samuel (Mehitable Bassett) Bishop (replica).

Date: Uncertain.

Owned by: The New Haven Colony Historical Society, New Haven, Conn.

Note: Examined by William Sawitzky, July 13th 1933, and attributed by him to Reuben Moulthrop. See note under preceding portrait, which applies equally to its companion-piece.

[14] The Reverend Ezra Stiles, D.D., LL.D. (1727–1795), President of Yale College, 1777–1795.

Date: 1794. Inscribed, signed and dated on back of original canvas. Engraved by Amos Doolittle: "R. Moulthrop Pinxt" (Stauffer, 516). Sittings recorded in *The Literary Diary of Ezra Stiles*, ed. by F. B. Dexter, New York, 1901. Mentioned in codicil to Stiles's will dated May 12, 1795.

Owned by: Yale University, New Haven, Conn.

Note: Examined by William Sawitzky, June 3rd, 1932. One of the "key" portraits on which his attributions were based. Perhaps the most outstanding of Moulthrop's works, in the nobility of its design, and the subtlety of its characterization.

[15] The Reverend Ezra Stiles (replica).

Date: *c.* 1812.

Owned by: The Redwood Library, Newport, R. I.

Note: Examined by William Sawitzky, September 20th, 1936, who be-

lieved it to be a late replica, lacking the majesty of the original. [Compare treatment of face and costume with that of the Reverend Ammi Ruhamah Robbins (full length), 1812. Also note the smile, introduced into many of Moulthrop's portraits at this period.]

[16] Mrs. Gold Selleck (Mary Fish) Silliman (1736–1818) of Fairfield, Conn.

Date: Probably 1794, when her sons were attending Yale College.

Owned by: The Fairfield Historical Society, Fairfield, Conn.

Note: Examined by William Sawitzky in 1932. Reproduced in *Chapter Sketches, Connecticut, Daughters of the American Revolution*, pub. by the Ed. P. Judd, Co., New Haven: "From a portrait by Moulthrop of New Haven." One of the "key" portraits on which William Sawitzky's attributions were based.

[17] Mrs. Henry (Elizabeth Prescott) Daggett (1752–1813) of New Haven, Conn.

Date: 1794, according to apparent ages of her younger children in their portrait by Moulthrop.

Owned by: Mrs. William McElroy, New York City, and East Haddam, Conn.

Note: Unknown to William Sawitzky. Examined by Susan Sawitzky, July 22, 1950, and attributed by her to Reuben Moulthrop. [Compare with Moulthrop's Mary (Fish) Silliman, *c.* 1794, and his Temperance (Worthington) Gale Smith, *c.* 1794–95.] Condition poor. In this portrait, and the immediately following one, Moulthrop again attempts a more elaborate background. They are among the few examples of his work into which he has introduced the suggestion of a landscape.

[18] Amelia Martha Daggett (1779–1807) of New Haven, Conn. Daughter of Henry and Elizabeth (Prescott) Daggett.

Date: 1794, according to ages of her younger sisters in their portrait by Moulthrop.

Owned by: Mrs. William McElroy, New York City, and East Haddam, Conn.

Note: Unknown to William Sawitzky. Examined by Susan Sawitzky, July 22, 1950, and attributed by her to Reuben Moulthrop. The miniature pinned to her bodice doubtless represents her brother Elihu Daggett (1781–1813) at about six years of age. He was thirteen at the time his sister's portrait was painted. See note under preceding portrait. The picture is in very bad condition.

[19] Children of Henry and Elizabeth (Prescott) Daggett, of New Haven, Conn.: Elizabeth (born 1786, aged eight years) and Mary (born 1792, aged two years).

Date: 1794.

Owned by: Mrs. William McElroy, New York City, and East Haddam, Conn.

Note: Unknown to William Sawitzky. Examined by Susan Sawitzky, November 25, 1949, and attributed by her to Reuben Moulthrop. Condition poor, though faces, and more important areas, fortunately, intact. Perhaps the most appealing of Moulthrop's portraits of children.

[20] The Reverend Cotton Mather Smith (1731–1806), Minister of the First Congregational Church, Sharon, Conn.

Date: c. 1794–95.

Owned by: The First Congregational Church, Sharon, Conn.

Note: Unknown to William Sawitzky. This portrait, and its companion-piece, which hang on either side of the entrance door of the Church at Sharon, were recognized as the work of Reuben Moulthrop by Miss Emily H. Whitney of New Haven and Sharon, Conn., who called them to the attention of Susan Sawitzky. Examined by the latter in March 1948, and accepted by her as characteristic portraits by this artist. Miss Whitney is one of the few people gifted with intuitive feeling for style and technical usages. Her attribution of these portraits, after looking only at photographs of Moulthrop's paintings, seems an extraordinary achievement.

[21] Mrs. Cotton Mather (Temperance Worthington [Gale]) Smith (1732–1800) of Sharon, Conn.

Date: c. 1794–95.

Owned by: The First Congregational Church, Sharon, Conn.

Note: Unknown to William Sawitzky. Recognized as the work of Reuben Moulthrop by Miss Emily H. Whitney of New Haven and Sharon, Conn., who called them to the attention of Susan Sawitzky. Examined by the latter in March 1948, and accepted by her as a characteristic portrait by this artist. See note under preceding portrait.

[22] The Reverend Elisha Williams (1694–1755), Rector of Yale College (1726–1739).

Date: 1795. Copied by Moulthrop from a portrait by John Smibert.

Owned by: Yale University, New Haven, Conn.

Note: Examined by William Sawitzky, June 3rd, 1932. This copy by Reuben Moulthrop, from a portrait by John Smibert (1688–1751) painted *c.* 1736, was, according to Ezra Stiles's Diary, commissioned by Yale College.

[23] Abraham Bishop (1763–1844) of New Haven, Conn. Son of Samuel and Mehitable (Bassett) Bishop.

Date: 1797 (?). This date, which appears to be faintly discernible, through a watch-maker's glass, on a page of his ledger, may possibly be an illusion. However, the apparent age of the subject, as well as his

costume, including the peculiar wig which imitates the natural hair arrangement of the late 1790s and the early years of the 19th century, agree with this date.

Owned by: The New Haven Colony Historical Society, New Haven, Conn.

Note: Examined by William Sawitzky, July 13th, 1933, and attributed by him to Reuben Moulthrop.

[24] The Reverend Jonathan Edwards, D.D. (1745–1801), Minister of Congregational Churches in New Haven (1769–1795), and Colebrook (1796–1799), Conn. President of Union College, Schenectady, N. Y., 1799–1801.

Date: c. 1798–99, while a resident of Colebrook.

Owned by: Yale University, New Haven, Conn.

Note: Examined by William Sawitzky, May 29th, 1932, while in the possession of a descendant. Engraved by Abner Reed "from original portrait by Moulthrop" (Stauffer. 2650). One of the "key" portraits on which William Sawitzky's attributions were based.

[25] Mrs. Ebenezer (Thankful Sophia Barnard) Townsend (1751–1828) of New Haven, Conn.

Date: c. 1799–1800.

Owned by: The New Haven Colony Historical Society, New Haven, Conn.

Note: Examined by William Sawitzky, July 13th, 1933, and attributed by him to Reuben Moulthrop. In William Sawitzky's opinion, the portrait of Ebenezer Townsend (1742–1824), which forms a very unlike companion-piece to that of his wife, was painted by Reuben Moulthrop *c.* 1812. (See No. 38.)

[26] The Reverend Jeremiah Day (1736/37–1806) of Sharon Mountain (now Ellsworth), Conn. Farmer, teacher, and preacher. Ordained as Minister by the Litchfield Consociation, 1770.

Date: c. 1800–1803.

Owned by: In 1947, Mr. John David Hatch, then Director of The Albany Institute of History and Art, Albany, N. Y., who purchased the picture *c.* 1939.

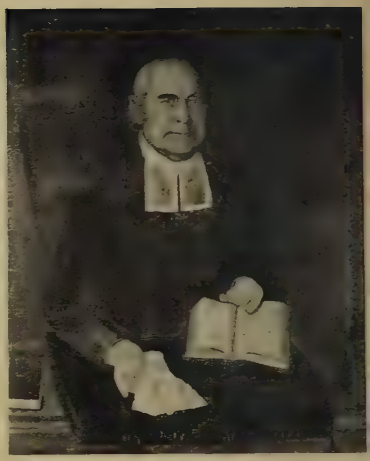
Note: Attributed by William Sawitzky to Reuben Moulthrop from a photograph, sent him for his opinion, *c.* 1939, by Mr. John David Hatch. Examined by Susan Sawitzky, August 7th, 1947.

[27] Timothy Atwater (1749–1824) of New Haven, Conn.

Date: 1800, according to age of the baby Jennette (1799–1882) in the companion portrait of his wife.

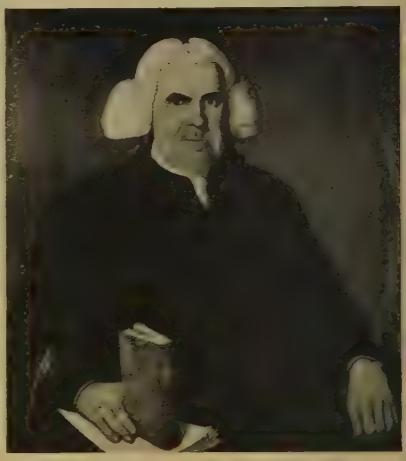
Owned by: Miss Emilie Gardner, Borden Village, Liphook, Hampshire, England, in 1947.

THE REVEREND EBENEZER DEVOTION
(1714–1771)
By Winthrop Chandler, 1770
Owner: Brookline (Mass.) Historical Society



THE REVEREND NICHOLAS STREET
(1730–1806)
By Reuben Moulthrop, 1789
Owner: Miss Agnes W. Storer, New Brunswick, N. J.

THE REVEREND TIMOTHY PITKIN
(1727–1812)
By Reuben Moulthrop, *c.* 1790
Owner: Yale University



SAMUEL BISHOP (1723–1803)
By Reuben Moulthrop, *c.* 1793
Owner: Yale University

Note: Not seen by William or Susan Sawitzky. The companion portrait of his wife and child, was tentatively attributed to Reuben Moulthrop by Susan Sawitzky, in 1947, from a small reproduction in the possession of Mr. Leonard Daggett, of New Haven. The photographs of the original portraits sent to her by the owner indicate, in Susan Sawitzky's opinion, that both were painted by Moulthrop.

[28] Mrs. Timothy (Susan Macomber) Atwater (?–1831) of New Haven, Conn., with her daughter, Jennette (1799–1882).

Date: 1800, according to the obvious age of Jennette.

Owned by: Miss Emilie Gardner, Borden Village, Liphook, Hampshire, England, in 1947.

Note: Not seen by William or Susan Sawitzky. Attributed by the latter to Reuben Moulthrop. See note under preceding portrait.

[29] John Hale (1748–December 1802) of Coventry, Conn.

Date: c. 1801–02.

Owned by: The Trustees of the Hale Donation, South Coventry, Conn. Hanging in the Parsonage of the Congregational Church, South Coventry.

Note: Examined by William Sawitzky, July 2nd, 1932, and attributed by him to Reuben Moulthrop.

[30] The Reverend Thomas Robbins (1777–1856), missionary and preacher. Minister of Congregational Churches at South Windsor, and Stratford, Conn., and at Rochester, Mass.

Date: September, 1801. Signed and inscribed on picture; signed and dated on back of canvas.

Owned by: The Connecticut Historical Society, Hartford, Conn.

Note: Examined by William Sawitzky in the summer or early autumn of 1932, with most, or all, of the other portraits owned by the Society. He at this time rediscovered the inscriptions, signatures, and date, which establish the identity of subject and artist. One of the "key" portraits on which William Sawitzky's attributions were based.

[31] Mrs. Henry (Abigail Tinker) Champion (1758-1818) of Westchester (Colchester), Conn., with her daughter, Eliza (1797–1868).

Date: c. 1803, if Eliza is about six years old.

Owned by: Mrs. Eugene Ballard, West Hartford, Conn., great-great-granddaughter of Abigail Champion (November, 1950).

Note: Examined by William Sawitzky, June 22nd, 1935, on wall, at Wadsworth Athenaeum, Hartford, Conn., where it was hanging on loan. Attributed by him to Reuben Moulthrop. Examined again by Susan Sawitzky, November 1950, off wall, good daylight.

[32] General Henry Champion (1751–1836) of Westchester (Colchester), Conn.

Date: c. 1803, according to apparent age of Eliza, in companion portrait.
Owned by: Mr. Richard Huntington Cole, West Hartford, Conn., great-great-grandson of the subject (November, 1950).
Note: Examined by William Sawitzky, June 22nd, 1935, on wall, at Wadsworth Athenaeum, Hartford, Conn., where it was hanging on loan. Attributed by him to Reuben Moulthrop. Examined again by Susan Sawitzky, November 1950, off wall, good daylight.

[33] Mrs. Enoch (Mary Gray) Huntington (1744–December 1803) of Middletown, Conn.
Date: c. 1803.
Owned by: The Middlesex County Historical Society, Middletown, Conn.
Note: Examined by William Sawitzky, August 29th, 1935, and attributed by him to Reuben Moulthrop.

[34] The Reverend Eoch Huntington (1739–1809), Minister of the First Congregational Church at Middletown, Conn.
Date: c. 1803.
Owned by: The Middlesex County Historical Society, Middletown, Conn.
Note: Examined by William Sawitzky, August 29th, 1935, and attributed by him to Reuben Moulthrop.

[35] Mrs. Daniel (Mary Thompson) Truman (1777–1838) of New Haven, Conn., and her daughter, probably Elizabeth, born 1810.
Date: c. 1811, if child is Elizabeth.
Owned by: The New-York Historical Society, New York City.
Note: Unknown to William Sawitzky. Examined by Susan Sawitzky, *c.* 1948, while the portrait was on loan at The New Haven Colony Historical Society. She agreed with the opinion of Mr. Ralph W. Thomas, Curator of the Society, that it was painted by Reuben Moulthrop.

[36] Daniel Bishop (1779–1817) of New Haven, Conn.
Date: c. 1811.
Owned by: Yale University, New Haven, Conn.
Note: Examined by William Sawitzky, April 20th, 1939, and attributed by him to Reuben Moulthrop.

[37] Mrs. Stephen (Eunice Street) Stebbins (?–?) of East Haven, Conn. Wife of the Reverend Stephen Stebbins, Minister of the Congregational Church at East Haven, and half sister of Hannah Moulthrop. After the death of Reuben Moulthrop in 1814, and the breaking up of the home, she adopted her sister's daughter, Delia Anne Moulthrop, who became Mrs. William Storer.

Date: c. 1811.
Owned by: Mr. Howard S. Ransom, Orange, Conn.
Note: Unknown to William Sawitzky. Examined by Susan Sawitzky, March 29th, 1951, at The New Haven Colony Historical Society, New Haven, Conn. She agreed with the opinion of Mr. Ralph Thomas, Curator of the Society, that it was painted by Reuben Moulthrop.

[38] Ebenezer Townsend (1742–1824) of New Haven, Conn.
Date: c. 1812.
Owned by: The New Haven Colony Historical Society, New Haven, Conn.
Note: Examined by William Sawitzky, July 13th, 1933, and attributed by him to Reuben Moulthrop. This portrait, painted within a similar feigned oval, and of a corresponding size, to the fine portrait of his wife, Thankful Sophia (Barnard) Townsend *c.* 1799–1800, No. 25 in this list, was, in the opinion of William Sawitzky, of a much later period: its coarseness of line, rough modelling of facial planes, peculiar treatment of the eye-lids, and smiling expression, placing it close to the Robbins-Battell portraits, of Norfolk. [Compare especially with Sarah (Robbins) Battell, and her daughters, Sarah and Irene.]

[39] Mrs. Ammi Ruhamah (Elizabeth Le Baron) Robbins (1745/46–1829) of Norfolk, Conn.
Date: 1812.
Owned by: Mrs. Frederick T. Murphy, Grosse Pointe, Michigan, great-great-granddaughter of the subject.
Note: Though not seen by William Sawitzky, known to him from a reproduction in *Descendants of Francis Le Baron of Plymouth, Massachusetts*, Le Baron, Boston, 1904, opp. p. 31, and attributed by him to Reuben Moulthrop from this reproduction. The whereabouts of the portrait and its companion-piece were known to him, and located through an address left in his handwriting. He recognized the probability of their being the portraits by Moulthrop, of Ammi Ruhamah, and Elizabeth (Le Baron), Robbins, mentioned by their son Thomas in his Diary, vol. 1, entry for September 9th, 1812. Both portraits examined by Susan Sawitzky, in May, 1948.

[40] The Reverend Ammi Ruhamah Robbins (1740–1813), first Minister of the Congregational Church, Norfolk, Conn.
Date: 1812. (Generous half-length.)
Owned by: Mrs. Frederick T. Murphy, Grosse Pointe, Mich., great-great-granddaughter of the subject.
Note: Not seen by William Sawitzky, but the existence and whereabouts of this portrait, and its companion-piece, were known to him *(See note under preceding portrait.)* Both portraits examined by Susan Sawitzky, in May 1948, and accepted by her as the work of Reuben Moulthrop.

[41] The Reverend Ammi Ruhamah Robbins (1740–1813), first Minister of the Congregational Church, Norfolk, Conn.

Date: 1812. (Full length.)

Owned by: Yale University, New Haven, Conn. Hanging in the Gallery of Fine Arts.

Note: Known to William Sawitzky only from a photograph, sent to him in the summer of 1946 by Professor John M. Phillips, Curator of the Garvan Collection, Yale University. It was William Sawitzky's immediate impression, on examining the treatment of the face and head of the subject, that the portrait was painted by Reuben Moulthrop. He felt that the elaborate accessories and background, and the handling of certain details, suggested a probable influence of the Reverend Joseph Steward. Most interesting references to this portrait, and to others painted by Moulthrop, of members of the Robbins-Battell family connection, were found by Susan Sawitzky in a collection of family letters, in the possession of The Connecticut Historical Society, Hartford, Conn., with two from the artist himself, concerning his long-deferred Norfolk visit. These letters, with the kind permission of the Society, will be reproduced in William Sawitzky's forthcoming monograph.

[42] Mrs. Joseph (Sarah Robbins) Battell (1779–1854) of Norfolk, Conn., with her daughters, Sarah and Irene.

Date: 1812.

Owned by: Yale University, New Haven, Conn. Hanging in the "White House," Norfolk, Conn., originally the home of Joseph and Sarah Battell, now the Yale Summer School of Fine Arts.

Note: Unknown to William Sawitzky. Examined by Susan Sawitzky, in the summer of 1947, and accepted by her as the portrait by Reuben Moulthrop referred to in contemporary letters (see note under preceding portrait) and in later family papers.

[43] Joseph Battell (1774–1841) of Norfolk, Conn.

Date: 1812.

Owned by: Yale University, New Haven, Conn. Stored in the "White House," Norfolk, originally the home of Joseph and Sarah Battell, now the Yale Summer School of Fine Arts.

Note: Unknown to William Sawitzky. Relocated and examined by Susan Sawitzky, in the summer of 1947, and accepted by her as the portrait by Reuben Moulthrop referred to in contemporary letters (see note under The Reverend Ammi Ruhamah Robbins, full length) and in later family papers.

[44] William Battell (1748–1832) of Torringford, Conn. Father of Joseph Battell.

Date: 1812.

BRADFORD HUBBARD (1760/61–1825)
By Reuben Moulthrop, *c.* 1791–1792
Owner: New Haven Colony Historical Society

MRS. EBENEZER TOWNSEND (1751–1828)
By Reuben Moulthrop, *c.* 1799–1800
Owner: New Haven Colony Historical Society

Owned by: Yale University, New Haven, Conn. Stored in the "White House," Norfolk, originally the home of Joseph and Sarah Battell, now the Yale Summer School of Fine Arts.

Note: Unknown to William Sawitzky. Relocated and examined by Susan Sawitzky, in the summer of 1947, and accepted by her as the portrait referred to in contemporary letters (see note under The Reverend Ammi Ruhamah Robbins, full length) and in later family papers. This portrait, and the preceding one of Joseph Battell, are painted on comparatively thin cloth, platillos, which gives a flat, and poster-like effect.

UNLOCATED PORTRAITS, NOT KNOWN THROUGH PHOTOGRAPHS

[1] Mrs. Ezra (Mary Cranston [Checkley]) Stiles (1745–1801), President Stiles" second wife, whom he married October 17, 1782.

Date: 1794.

Note: Sittings recorded in *The Literary Diary of Ezra Stiles*, ed. by F. B. Dexter, New York, 1901, vol. III, p. 549 December 5 and 6, 1794). Mentioned in codicil to Stiles's will, dated May 12, 1795. H. R. Stiles, in his *The Stiles Family in America: Genealogies of the Connecicut Family* . . . , Jersey City, 1895, says (p. 181, note): "no portrait seems to have been preserved of his second companion."

[2] Moulthrop Family Group. Supposedly containing portraits of: Reuben Moulthrop, the artist, aged *c.* 42; Hannah (Street) Moulthrop, his wife, aged *c.* 38; with their children: Hannah Maria, aged *c.* 9; Clarissa, aged *c.* 7; Daniel, aged *c.* 5; Sidney, aged *c.* 2, and probably, Delia Anne, an infant, born in March 1805.

Date: c. 1805.

Note: According to family tradition, painted on a rectangular, horizontal strip of canvas, cut off, obliquely, at one end, and fitted against the wall, beneath the front staircase, in the new home on Townsend Avenue, New Haven, to which the family removed about 1805. This painting, last seen by a member of the family in the possession of an eccentric relative, unframed, folded, and stuck beneath the upholstered seat of a chair, is presumably no longer in existence. Its interest, especially from a documentary and human point of view, would have been great, and its loss is very regrettable.

[3] Samuel Robbins (1784–1860) of Norfolk, Conn. Son of the Reverend Ammi Ruhamah and Elizabeth (Le Baron) Robbins.

Date: 1812.

Note: Mentioned in contemporary family letters. (See note under The Reverend Ammi Ruhamah Robbins, full length.)

THE REVEREND AMMI RUHAMAH ROBBINS
(1740–1813)
By Reuben Moulthrop, 1812
Owner: Yale University

". . . LIKE MADMEN THROUGH THE STREETS"

THE NEW YORK CITY RIOT OF JUNE 1690

by LAWRENCE H. LEDER*

THE COLONY OF NEW YORK was the scene of many important events in the year 1690—the Schenectady Massacre perpetrated by the French and their Indian allies in February, the meeting of the inter-colonial conference to plan joint military action against the French, and the convening of the second legislative assembly in New York's history. Still another event of importance took place in that year, however—the New York City riot of June. Its significance lies in the fact that it was the first sign of a change taking place in the attitude of many New Yorkers toward the developments of the previous twelve months.

Things had moved rapidly in New York during the period from May 1689 to June 1690—the administration of the Colony had passed from the hands of Lieutenant Governor Francis Nicholson to a Committee of Safety, and then to Jacob Leisler, a well-to-do merchant. The latter's rise to prominence was due to a chain of events that had its beginning in England's Glorious Revolution of 1688. The news of that successful maneuver by William of Orange set off an uprising in Boston which resulted in the imprisonment of Sir Edmund Andros, Governor-General of the Dominion of New England. Word of that event reached New York and created a situation so intolerable for Francis Nicholson, Lieutenant Governor of the Dominion, that he deserted his post in New York City and fled to England in June.[1]

* Mr. Leder, Penfield Fellow in History at New York University, is writing a life of Robert Livingston (1654–1728), and has edited the Livingston Indian Records, 1666–1723, for publication as a monographic issue of *Pennsylvania History* next January.

[1] Van Cortlandt to Andros, July 9, 1689. J. W. Fortescue, ed., *Calendar of State Papers, Colonial Series, America and West Indies* (40 vols., London: 1860–1919), XIII: 81.

The vacuum created by Nicholson's abrupt departure was filled by a Committee of Safety composed of colonists in whose minds one thought was uppermost—the safety of the Protestant cause in New York. Realizing the need for military preparedness against a possible French attack, they appointed Jacob Leisler as Commander-in-Chief of the Colony. Then, on December 10, 1689, Leisler received a letter of instruction from the Privy Council, the superscription of which led him to believe that King William and Queen Mary had authorized him to assume the lieutenant governor's post vacated by Nicholson.[2]

A segment of the populace did not agree with Leisler's assumption, especially certain members of the aristocracy of the Colony. Leisler's opponents began corresponding with various personages of influence with the avowed purpose of presenting to the English authorities a version of developments in New York that would be damaging to Leisler.[3] On January 3, 1690 Leisler ordered a "diligent Search & Enquiry," and those orders quickly bore fruit. It was discovered that Colonel Lewis Morris's home was the mail center for the anti-Leislerian conspiracy and the postman, John Perry, was arrested as he left Morris's home on January 16 with a packet of incriminating letters for Boston and England. Leisler, after reading these missives, ordered the arrest of their authors, though only William Nicolls and Nicholas Bayard were taken into custody and cast into the prison in the fort.[4]

Very soon thereafter the Schenectady Massacre took place. Less than two weeks after that tragedy, in an effort to raise funds

[2] Commission of August 15, 1689. *Ibid.*, p. 126. See the discussion of the intent of the royal letter in Charles M. Andrews, *The Colonial Period in American History* (4 vols., New Haven: 1934–37), III: 127–28.

[3] Some of these letters, those intercepted by Leisler, may be found in Edmund B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York* (15 vols., Albany: 1853–87), III: 661–64. (Hereafter cited as O'Callaghan, *Documents*.)

[4] Minutes of Leisler's Council, January 3, 1690, Edmund B. O'Callaghan, ed., *The Documentary History of the State of New York* (4 vols., Albany: 1849–50), II: 55 (hereafter cited as *Doc. Hist. N.Y.*); Leisler to Melyn, January 24, 1690, *ibid.*, 62; Leisler to Coode, March 4, 1690, *ibid.*, 182; "A Modest and Impartial Narrative," O'Callaghan, *Documents*, III: 682.

for the Colony's defense, Leisler issued a call for the meeting of the legislative assembly. The assemblymen gathered in April, passed the tax measure desired by Leisler,[5] but then began to consider the plight of those imprisoned by Leisler. The latter immediately prorogued the assembly.[6]

But many persons were concerned with the welfare of the prisoners, and disbanding the assembly did not end discussion of the matter. On June 6, 1690 several government officials were to read a proclamation to the citizenry of New York from the steps of the City Hall. The subject matter concerned the city's fortifications and the maintenance of the watch, but those concerned with the prisoners sensed that this would be the opportune moment to press for the prisoners' release through the medium of a popular demonstration.

Never before have the causes and events of that demonstration, which quickly turned into a riot, been explained adequately. The only detailed accounts available have been references in several of Leisler's letters and a series of depositions taken by his supporters; these are often fragmentary, partisan, and embellished.[7] Another account has since come to light, an undated, unsigned letter in Dutch found in the Livingston-Redmond Mss. Written a few days after the riot, it was sent to Robert Livingston, possibly by John Tuder.[8]

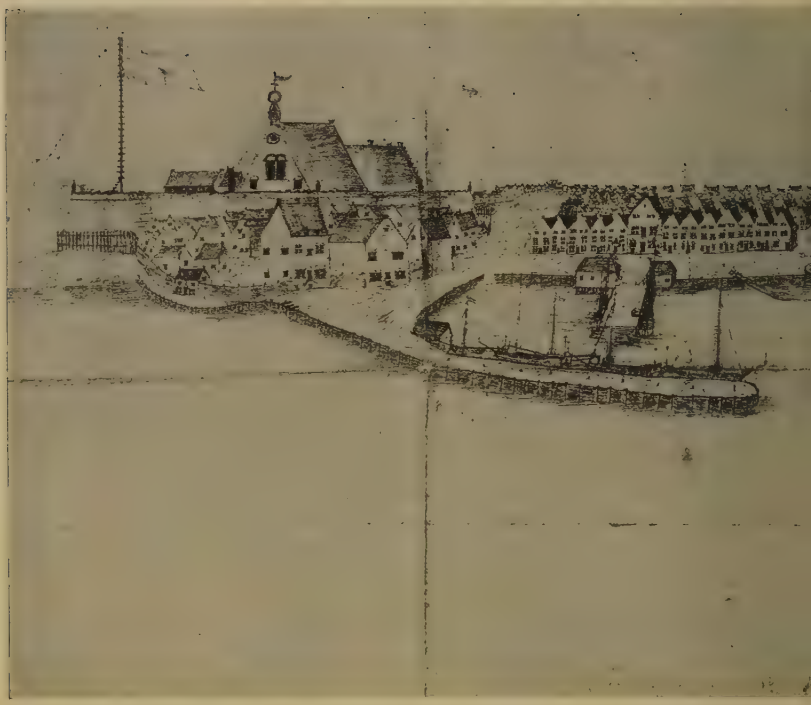
[5] Commissioners of Statutory Revision, *The Colonial Laws of New York from the Year 1664 to the Revolution* (5 vols., Albany: 1894–96), I: 218.

[6] Leisler to Albany Commissioners, April 30, 1690. *Doc. Hist. N. Y.*, II: 238.

[7] The depositions are in O'Callaghan, *Documents*, III: 740–46.

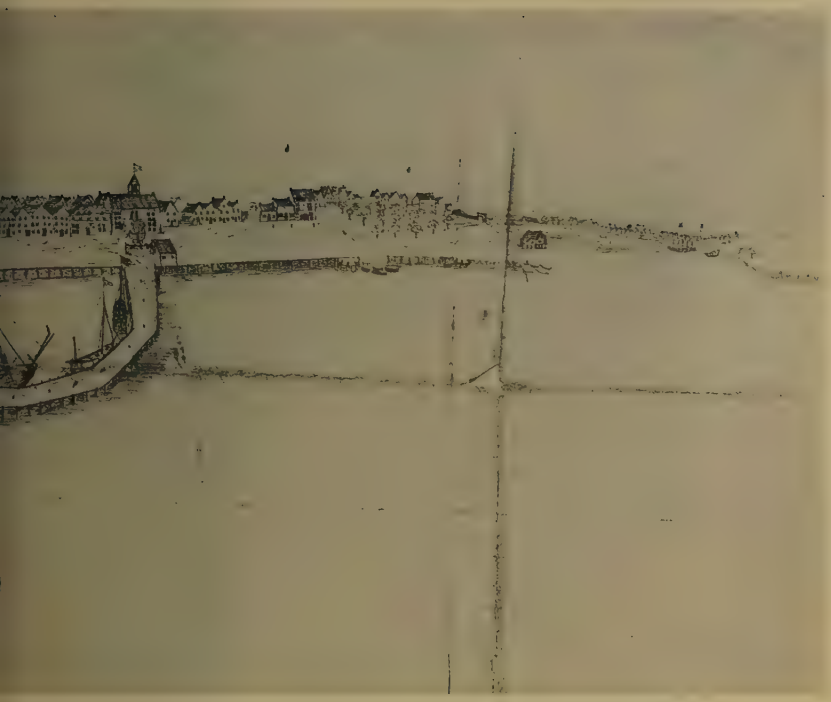
[8] Anon., "Account of what happened at New York, June 5–8, 1690," Livingston-Redmond Mss., Franklin D. Roosevelt Library, Hyde Park, New York. The account has been translated from the Dutch by the late Arnold J. F. Van Laer, and is used here through the kind permission of Mrs. William H. Osborn, owner of the papers, and Mr. Herman Kahn, Director of the Franklin D. Roosevelt Library, depository for the papers. Materials supplied by Dr. Van Laer have been placed in brackets, while those supplied by the present author have been placed in footnotes.

The supposition as to Tuder's role in transmitting this document to Livingston is based on a statement he made in a letter to Livingston, June 21, 1690 (Livingston-Redmond Mss.): "Being Just now Arrived Againe to New London upon the ould Concerne, mett with this Conveniency to send you the Inclosed which I hope will Come safe to yo^{r} hand—yo^{rs} to Brand^{t} Schyler I saffely delivered but Could not bring you an Answer from him by reason he is forc'd to Abscond himselfe as well as many more of o^{r} Gent. The Tyrant still *p*sisting in his Ambition."



NEW YORK CITY FROM BROOKLYN HEIGHTS, 1679–1680, FI

The unknown author of this document was unusually level-headed, for the report is remarkably free of bias either for or against the Leislerians. That in itself was a rare accomplishment for a seventeenth-century commentator on politics. The narrative's assessment of the responsibility for the riot and its aftermath is well-balanced, since it gives Leisler full credit for ending the plundering of his enemies' homes by his over-zealous militia, while it points up his greatest failing, his rashness, in his dealings with Domines Henry Selyns and Rudolph Varick. But more importantly, it demolishes the myth that the riot was a premeditated attempt on Leisler's life, relating it instead to the real problem of the prisoners held by Leisler and their release.



BY JASPER DANCKAERTS AT THE LONG ISLAND HISTORICAL SOCIETY

ACCOUNT OF WHAT HAPPENED AT NEW YORK, JUNE 5–8, 1690

Whereas it was sufficiently well-known how sadly the prisoners were detained in the fort, it was resolved to send some captains thither to see if their release could be obtained, it being resolved that the council of war was to sit on the 5th of June. Nothing was accomplished, but *[*it was stated*]* that if the prisoners would sign a bond for their good behaviour and acknowledge the authority of the Lieut. Governor and Council, they would be set free. The council of war at the same time passed some orders about keeping watch and completing the fortifications of the city and other things to that effect, which were to be proclaimed on the 6th of June, in the presence of the council of war, but

several burghers,[9] thinking that a proclamation would be read about the tax,[10] determined not to allow it until they agreed to set the prisoners free. The others,[11] however, insisted on reading the orders, in spite of their opposition, whereupon the burghers made further opposition, so that a great tumult arose and many of the council of war drew their swords. However, the orders were read and after the reading was over, the burghers requested the officers to go with them to the fort to release the prisoners. They refused to do this, whereupon, feeling running higher and higher, some wanted to fetch their guns, but this was prevented. They said they would speak to Lijsnaer[12] himself, who was then near the bridge,[13] at de Lanoy's, and ask his consent in a friendly way, which they did.They requested that the prisoners be released on bail, they themselves offering to sign the bond, to which he gave his consent, saying Yes and going with them all as far as Stoll's door. Being much excited, they demanded to have the prisoners at once, saying that they would immediately sign the bond. As feeling ran steadily higher and more and more people came rushing up, it is not known exactly what happened. Some say that on account of some harsh words, Lijsnaer struck with his cane; others, on the contrary, maintain that it was the fault of Lijsnaer's son[14] who, seeing so many people crowding in upon his father, drew his sword and began to hack right and left, but the people got hold of him and took the sword out of his hand and broke it in two. Lijsnaer got mixed in the crowd and was struck with a cane and there was a cooper[15] who, they say, struck him on the shoulder with his adze, so that there was much confusion.

Meanwhile, soldiers were summoned from the fort to help. Having succeeded in getting away from the crowd and seeing these soldiers coming toward him, he *[*Leisler*]* turned around and *[*with the soldiers*]* attacked Jermi Tortel *[*Tothill*]* at the corner of Luykes Kiersteede's, some *[*striking at him*]* with naked swords or the butt end of their guns and another stabbing him with his halberd, so that he retreated toward

[9] Probably Teunis de Key, John Crooke, Jacob Teller, Jesse and Abraham Kip, and Balthazar Bayard. See the depositions of Borled, Walters, Evits, and Man in O'Callaghan, *Documents*, III: 741–43, 745.

[10] The tax of three pence in the pound sterling value of all real and personal propetry which had been passed by the assembly in April. See above, page 407.

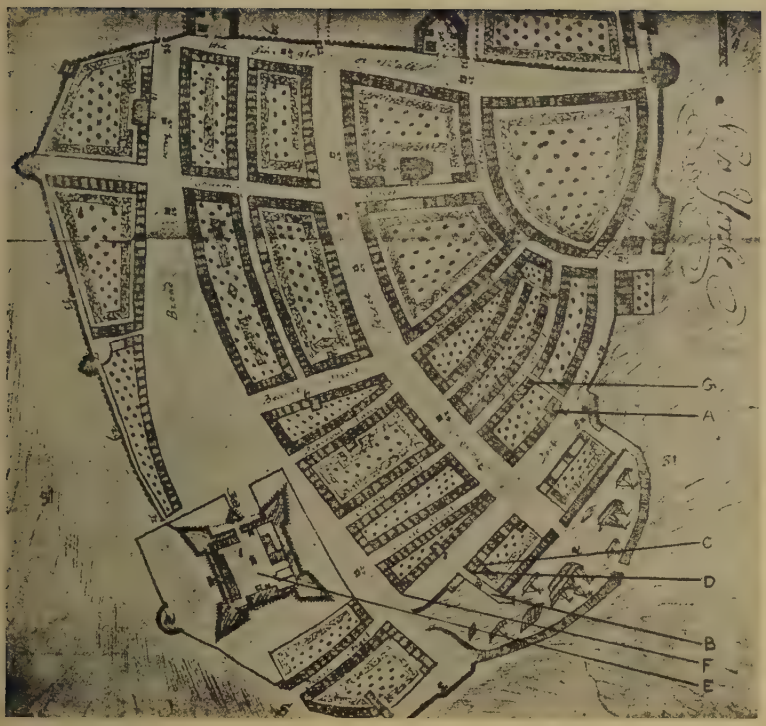
[11] Swert Olphertze, Gerrit Duykinck, Paulus Turk, Abraham Brazier, and Johannes Beekman. See their deposition in O'Callaghan, *Documents*, III: 740.

[12] *I.e.*, Jacob Leisler.

[13] A term often used to designate the wharf or dock. Arthur E. Peterson, *New York As An Eighteenth Century Municipality: Prior to 1731* (New York: 1917), p. 107.

[14] Jacob Leisler, Jr.

[15] John Crooke–see the depositions of Van Brevoost and Langstraet in O'Callaghan, *Documents*, III: 740, 741. Crooke was the foreman of the jury in the treason trial of one of Leisler's councillors, Thomas Williams, after the fall of Leisler's government in 1691. See Lawrence H. Leder, "Records of the Trials of Jacob Leisler and His Associates," *N. Y. H. S. Quarterly*, XXXVI: 4 (October 1952), page 443.



SCENE OF THE RIOT OF JUNE 1680

Detail from the Long Island Historical Society's
Miller Plan of New York City
showing places mentioned in the eye-witness account of the riot

KEY

A. Stadt Huys
B. Bridge or Wharf
C. Peter Delanoy's house
D. Weigh House

KEY

E. Fort
F. Lucas Kierstede's house
G. Long Mary's Corner (Maria Peeck's house)

the weigh-house, where he turned around and dealt one a heavy blow with his cane, and parried other blows with his cane, for he had no other weapon. The soldiers pursued him to Long Mary's corner. There Teunis de Kij[16] armed with two pistols and a carbine joined him. He gave Tortel one pistol and Hend *[rick]* Jacops took the carbine and *[together]* they held 10 or 12 men at bay until the others got away. Lijsnaer immediately had the alarm beaten and a cannon fired to call the farmers to arms. The soldiers, with naked swords in their hands, ran like madmen through the streets and those who happened to be about and were not of their party were at once taken to the fort, thrown in chains and put on bread and water. This went on all day. Those who were locked up, whether they were guilty or not, were: Jacop Teller,[17] Jan Smit,[18] Josup Nickels,[19] Mr. Elleson,[20] Dirck van *[den]* Brugh,[21] Nett Bockmaester,[22] Mr. Wilson,[23] Mons[r]. Butues[24] and servant, Hend. Meyer,[25] Mr. Frans' brother, Jesse and Abram Kip,[26] Baltes Bajard,[27] and several others. Those who

[16] Teunis de Key was an assistant alderman of New York City before the collapse of the Nicholson government in 1689. See "Address of Mayor and Aldermen of New York," c. 1688, in O'Callaghan, *Documents*, III: 424–25. After the fall of the Leisler government, he served as a juror in the treason trial of Thomas Williams, one of Leisler's councillors. See Leder, *op. cit.*, p. 443.

[17] One of the instigators of the riot according to deposition of Walters. O'Callaghan, *Documents*, III: 742.

[18] John Smith had been brought to New York by Lucas Santen, Collector of the Customs, in 1683 as the latter's assistant. He was ousted from his position by Governor Dongan for having cheated Santen as well as the Proprietor. See Dongan's Report in *ibid.*, pp. 401, 403. In 1688 Smith was an envoy between Governor Denonville of Canada and Governor Andros. Denonville to Andros, October 23, 1688, in *ibid.*, p. 569.

[19] Possibly the James Nickols who signed a petition in 1701 and an address in 1702 as a merchant of New York. *Ibid.*, IV: 937, 1007.

[20] Robert Allison was a merchant of New York according to the anti-Leislerian "A Modest and Impartial Narrative." *Ibid.*, III: 673.

[21] Van den Brugh was later a member of the juries in the murder trial of Peter Delanoy and the treason trial of Thomas Williams, both aides of Leisler. See Leder, *op. cit.*, pp. 442, 443.

[22] Edward Buckmaster, a petty constable, who, when called upon to help the government officials preserve order, turned and supported the rioters. Deposition of Olphertze, *et al.*, O'Callaghan, *Documents*, III: 740.

[23] Probably Ebenezer Wilson, a New York merchant who signed a petition to the Crown, May 19, 1690, protesting Leisler's actions. *Ibid.*, 748–49. Wilson later became sheriff of New York, vestryman of Trinity Church, and mayor of New York City. *Ibid.*, IV: 377, 528; V: 168.

[24] Possibly Daniel Butts, juror in the treason trial of Gerrardus Beekman, one of Leisler's aides, in 1691. Leder, *op. cit.*, p. 445.

[25] Probably Hendrick de Meyer, a New York merchant who signed a petition to the Crown, May 19, 1690, protesting Leisler's actions. O'Callaghan, *Documents*, III: 748–49.

[26] Jesse and Abram were relatives of Johannes Kip who had been arrested by Leisler and was one of the prisoners in the fort. Van Cortlandt to Andros, May 19, 1690, *ibid.*, p. 716.

[27] Balthazar Bayard, brother of Nicholas Bayard who was incarcerated in the fort. See above, page 406.

were not willing to go, had their doors broken open and were taken by force, Douwe Myer *[elder Myer]*[28] being wounded in his belly.

The following day, being the 7th of June, the drum was beaten again and all the farmers and burghers were once more under arms. They marched to the fort; the standards were placed on the bastions and pikemen were placed all around the fort, in order that no one should climb into it; a formidable protection against a few unarmed people.

About noon, a proclamation was read which sounded as if the people who were opposed to him intended to commit treason and had tried to murder him,[29] and he gave orders to all *[military]* officers, justices *[of the peace]*, sheriffs and constables to seize, whether they were guilty or not, the persons hereunder named, who were declared rebels, to wit: Jermie Tortell *[Tothill]*, Teunis de Kije, Jan Kruck *[John Crooke]*, Mr. Lambard,[30] Mr. Wenham,[31] Luykas Kiersteede,[32] Willem Teller,[33] Nett Teller,[34] Brandt Schuyler,[35] Jacop de Kij, Jun.,[36] and some others.[37] That morning, they had stationed soldiers in some houses against which they were embittered, about 9 or 10 in each house. These remained there until evening and in some places made a good deal of trouble. They would not eat unless they found money under their plate and in some houses they began to plunder and this would have continued if it had not been prevented by Lijsnaer, who himself went about with the soldiers and had everything returned for so far as it was available. The same day that the people were arrested, Madam Bajard[38] was also taken to the fort. Having examined her bag, they found therein a note which

[28] See note 25 above.

[29] Leisler's proclamation may be found in *Doc. Hist. N. Y.*, II: 284.

[30] Dennis Lambert. See warrant issued by Leisler, June 7, 1690, in *ibid.*, p. 263. Lambert was a juror in the treason trial of Samuel Edsall, one of Leisler's councillors, in 1691. Leder, *op. cit.*, p. 447.

[31] Thomas Wenham, a New York merchant. When Nicholson's councillors ousted Customs Collector Matthew Plowman from his post in June of 1689 because of his Catholicism, they appointed several merchants, including Wenham, to take over Plowman's duties. Leisler quickly supplanted them with his own appointee, Peter Delanoy. Van Cortlandt to Andros, July 9, 1689, O'Callaghan, *Documents*, III: 596.

[32] Leisler had broken with the Kierstede and Bayard families as early as 1674 over the division of the estate of Govert Loockermans who had died intestate. See the case of Kierstede and Bayard vs. Leisler before Mayor's Court on June 26, 1674 in Berthold Fernow, ed., *The Records of New Amsterdam from 1653 to 1674 Anno Domini* (7 vols., New York: 1897), VII: 103–104.

[33] William Taylor. See warrant issued by Leisler, June 7, 1690, in *Doc. Hist. N. Y.*, II: 263.

[34] Edward Taylor. *Ibid.*

[35] Referred to as one of "the Merchants and considerable traders in this . . . Province" in "A Modest and Impartial Narrative." O'Callaghan, *Documents*, III: 673.

[36] *Ibid.*

[37] Thomas Willet, Daniel Whitehead, Elias Boudinott. See warrant issued by Leisler, June 7, 1690, in *Doc. Hist. N. Y.*, II: 263.

[38] Judith Bayard, wife of Nicholas. *Ibid.*, p. 262.

(they say) contained evidence of high treason—I am sending a copy of it herewith[39]—which had been given to a farmer by those in the fort.

On Sunday morning, the 8th ditto, at the conclusion of the sermon, when prayer was about to be offered up, a paper was handed to Domine Zelyns,[40] together with the other notices. Thinking that it was another writing, as the heading ran in the name of the Lieutenant Governor, Domine Zelyns intended to read it after the prayer, according to custom, but Lijsnaer, standing up, motioned with his fist and told him to read it. Domine Zelyns wished to object, but he told him to do it at once, *[saying:]* "I want you to do it at once," and called him a rascal, which created a great sensation in the house of the Lord. Domine Zelyns read the paper which read as follows: "By the Lieutenant Governor. Whereas there are those who tried to murder the Lieutenant Governor, public thanks are offered to God in all churches for his deliverance, etc. To all preachers of the Reformed Church."

As soon as the blessing had been given, Lijsnaer walked up to the Domine and kept him in the church, where he accused him of many things, too long to relate. He also said that he was a seditious man and had written a lampoon, and many other things, whereupon the Domine answered that such a man as he made him out to be was not worthy to occupy the pulpit and, therefore, that he did not wish to preach any more. But *[Leisler]* forced him to preach and threatened, if he refused, to throw him into irons and to quarter soldiers in his house, and many other threats, so that the Domine in the afternoon preached again, and also the next day, but with great sorrow.

The same morning Domine Varick[41] had also received a paper to pronounce a thanksgiving, but in delivering the paper they got into an altercation, so that Domine Varick did not preach. During the second service, some French people were taken to the fort, who, they said, had treasonable letters in their pockets, but it was of no consequence.

On Monday, June 9th, the drum was beaten and a proclamation was read, stating that everyone must come to the fort and sign a paper drawn up by them, or be declared a rebel.[42] Most of the people have signed here already. The same day some prisoners were examined, but thus far none has been set free, except Hend[r]. Meyer. Tuesday the 10th ditto, the drum was beaten again around town to summon the people to sign, which is being done. I have just learned that the prisoners are once more allowed to have other foods. May God grant us peace in our day. Amen. Vale.

* * *

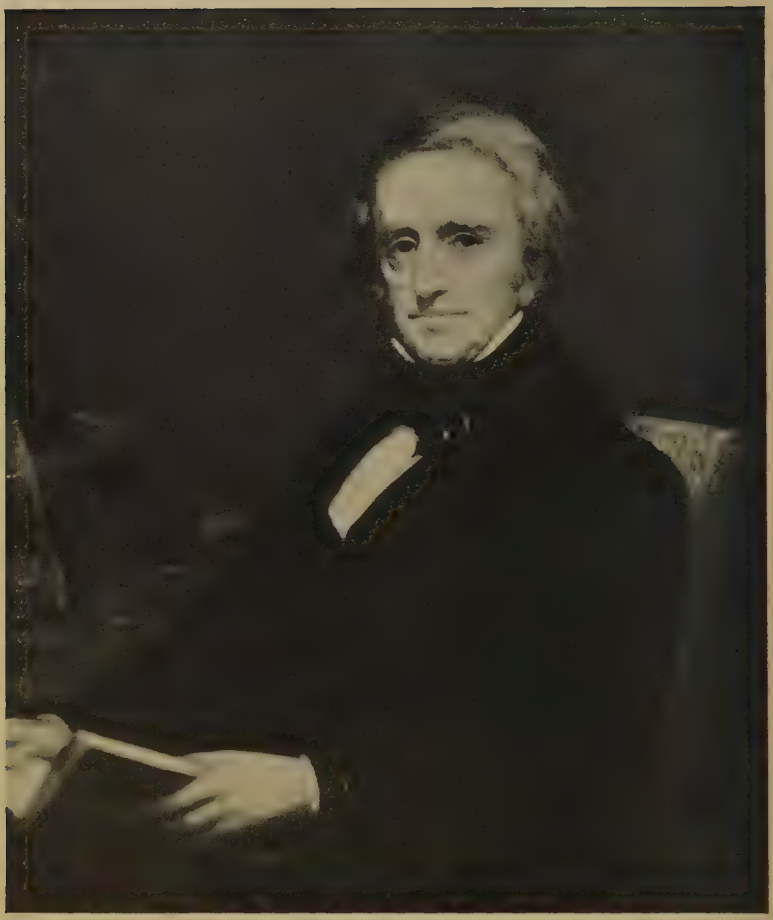
Within two weeks after the above narrative was written, twelve of the twenty-odd persons imprisoned by Leisler had

[39] Not found among the Livingston-Redmond Mss.
[40] Henry Selyns.
[41] Rudolph Varick.
[42] Leisler's Proclamation of June 7, 1690 may be found in *Doc. Hist. N. Y.*, II: 264.

been released after they had paid a fine and signed a bond for their future good behavior.[43] But the events described in this anonymous account take their place as one of the important developments of 1690 because they are the first instance of a challenge to Leisler's authority in New York City. That town had been the very core of his support in the Colony, but the riot and its aftermath apparently alienated many of his followers.

But Leisler soon had other problems to worry him. In August came word of the complete failure of the expedition sent against Canada—the army had retreated before it had even met the enemy.[44] Then, in January of the following year, Captain Richard Ingoldesby arrived with two companies of royal troops, preceding the new governor, Henry Sloughter, by nearly two months.[45] From that point forward, Leisler's position became more tenuous day by day, until his regime collapsed in March of 1691 when the new governor arrived. On May 17, 1691 Leisler and his son-in-law, Jacob Milborne, paid with their lives for their rash support of Protestantism and William and Mary.[46]

[43] Leisler to Coode, June 27, 1690, in *ibid.*, pp. 268–69; Leisler to Earl of Shrewsbury, June 23, 1690, in O'Callaghan, *Documents*, III: 732.
[44] John Allyn to Leisler, August 23, 1690, in *Doc. Hist. N. Y.*, II: 284.
[45] Brooke to Southwell, April 5, 1691, in O'Callaghan, *Documents*, III: 757.
[46] Sloughter to Blathwayt, July, 1691, in *ibid.*, p. 789.



CLEMENT CLARKE MOORE (1779–1863)
By Daniel Huntington
Owner: General Theological Seminary
Photograph courtesy Frick Art Reference Library

WHEN CLEMENT CLARKE MOORE WAS YOUNG

by R. W. G. Vail

TO HIS GENERATION Clement Clarke Moore (1779–1863) was best known as the professor of Greek, Hebrew and Oriental languages at General Theological Seminary and as the generous donor of the land on which that now ancient and distinguished institution of learning was built, but to us he is the well loved author of *The Night Before Christmas*.[1] Educated at home by his father, the Reverend Benjamin Moore, and at Columbia College where he graduated in 1798 at the age of 19, he lived a retired, studious, quiet life, absorbed by his studies, his playing of the organ and the tending of the flowers around his beautiful estate. On November 20, 1813, he married an English girl, Catharine Elizabeth Taylor and, in due time, six daughters and three sons added happiness to their home.

Since little is known of his earlier years, we were particularly pleased when his great-granddaughter, Grace Arnold Moore (Mrs. Richard C. Hunt)[2] recently gave our Library two of his juvenile letters and the original manuscripts of five of his poems, including *A Trip to Saratoga*, *The Wine Drinker*, *The Water Drinker*, and *Congratulatory Address to the Fashionable People of New York, Upon their Return to the City after the Disappearance of the Yellow Fever, by a Lady of Fashion*, all of which were published in his *Poems*, 1844, and the unpublished poem: *Biography of the Heart of Clement C. Moore* which was written in 76 rhymed couplets to celebrate his wedding in 1813.

The first letter, written at the age of ten to his father, gives a delightful glimpse of his life as a child. It is as follows:

[1] A manuscript copy in the autograph of the author is in The New-York Historical Society Library.

[2] Her descent from the author is as follows: Clement C. Moore, Benjamin Moore, Casimir de Rham Moore, Grace Arnold Moore (Mrs. Richard C. Hunt).

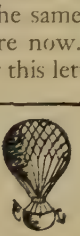
Augst 9. 1789

My dear papa,

If you stay much longer we shall be tempted to come after you for we are sick of living without you. I wish you had been here last friday for there was A Balloon went up, it was very pretty little one, and it went up very prettyly Aunt Maunsel and cousin Lydia, and Aunt Watkins, are gone to the springs. I wish you would answer my letters. Are the coppers the same in Philadelphia as they are here? Jersey coppers wont pass here now. We can hardly buy anything now. I wish you would answer this letter and tell me what I ask. Fan has had fits very bad eating green apples I believe. She was very well the day before and in the morning she was very well and Betty sent her to get some chips and she brought her some, and went out with Rachel in the orchard, And Sally Rap hollowed out to her, see how fan lies under the tree, but She thought it was only some of her airs and went on, when she came home betty asked her where fan was, she said she was lying under the tree, said she, are not you ashamed to let her lye there, she came here for her health and you let her lye there such a morning as this, and she sent little Jack for her and he stayed a great while, and they sent a man to her, and he thought she was dead all frothing and foaming and he brought her home. I must tell you the rest when you come home.

C. C. Moore

[In another hand, probably his mother's:] We are apprehensive Fran's fit was something of an Epilepsy. She was speechless several hours.



A BALLOON.

THE Proprietor of the *Speaking Figure*, takes this method of returning his moſt grateful acknowledgements of thoſe gentlemen and ladies, who favored him with their company on Friday the 7th inſtant, to his exhibition at the fort, for the benefit of the large Balloon; and informs them that by the requeſt of a number of ſubſcribers and other gentlemen, who were diſappointed in ſeeing the aſſent of the ſmall balloon; which he is credibly informed deſcended in Hærlem River, diſtant 9 miles from the place of aſcent: He has been prevailed upon to conſtruct another of 30 feet in circumference, for the benefit of the large balloon—which for the better convenience of thoſe gentlemen and ladies who wiſh to encourage the completion of the large balloon, and to prevent gentlemen and boys from running the riſk of breaking their necks by clambering up the Fort walls, will aſcend on Friday the 15th inſtant, at 6 o'clock in the afternoon, from a lot near the Race-ground, belonging to Mr. Seaman, now in the occupation of Mr. Weſtfall, bounded by Eagle, Suſſolk and Cellar ſtreets, and near Alderman Ivers's: Which lot he has procured for the exhibition of the large balloon: This benefit he flatters himſelf, will enable him to complete the large balloon, with which he is to aſcend, in about three weeks from this date. Thoſe who are not provided with admiſſion tickets, to the exhibition of the large balloon, may be ſupplied by applying at No. 14, William-ſtreet, at which place (to prevent confuſion at the gate) the admiſſion tickets to the exhibition of the ſmall balloon, will be given out at *one ſhilling* each.

N. B. Thoſe who have admiſſion tickets to the exhibition of the large balloon, will be admitted to the exhibition of the ſmall balloon, by ſhewing their tickets at the gate, which will be opened at 5 o'clock, by their moſt obedient ſervant,

JOSEPH DECKER.

Auguſt 11th, 1789. 45 2

ACCOUNT
OF THE BALLOON ASCENT
seen by ten-year-old Moore
New York Packet, August 11, 1789

Seven years later he was a Sophomore at Columbia,

spending part of his vacation with friends in Philadelphia, and writing an account of his adventures to his mother. Apparently his mother was an easier "touch" than his rather austere father, the future Episcopal Bishop and President of Columbia, and so he wrote to tell her what a good boy he had been and in order to win her support for an extravagant purchase he had just made. The very human letter of this seventeen-year-old youngster is as follows:

[Philadelphia] Tuesday May 10th 1796

My dearest Mother,

I take my pen in hand to prepare you for being very angry with me; but, before I introduce the subject, shall endeavour to expiate, in a small degree, my fault, by giving you, according to your request, a very circumstantiall account of my conduct since my last letter, which, I think, was dated on Saturday evening. The next morning I went to Christ Church, and heard Mr. Blackwell preach. In the afternoon I heard Mr. Bissett preach in the African Church: and in the evening I enjoyed the happiness of hearing Mr. Pilmore's soft and melodious voice swelled to the highest pitch of harmony. On Monday Mr. B called for me, as usual, and, after carrying me to pay many visits, went with me to Peter Porcupine's [William Cobbett], who is a fine, hearty, agreable, jolly Englishman, speaks his mind just as freely as Mr. Ellison, and mentions his writings with as much openess as if he signed his name to all of them. He has invited us to drink tea with him tomorrow. In the evening I went to the theatre, but was disappointed. This morning Mr. B and I went to the Mint, but the director was not there, and we could not gain admittance. I had a peep, however, when one of the men opened the door. In the Afternoon we rode out to Gray's gardens, which are very plasing [sic] and romantic, but are very much neglected. It would be in vain to attempt mentioning all the places at which I call, dine, and drink tea. I find the Philadelphians very kind and attentive; I dine and drink tea abroad almost every day. Mr. and Mrs. Dunkin press me very much to remain with them till cousin Dunkin goes to N York, but I begin to feel the seeds of impatience to see you grow very strong and thrifty within me, and I look towards Friday, when I shall return, with as much delight as I did to Monday, when I was to set off for Philadelphia. I should have written to you every day if I had known that the Post went as often as it does. Mr. & Cousin Dunkin desire me to remember them to you whenever I write. And now, with a trembling hand, I shall enter upon the subject which I dreaded so much in the beginning of my letter. This morning I went to a store of mathematical instruments. I am sure you can

guess it now, and the man showed me a handsome surveying instrument upon a new construction, price 40 dollars. I had but 30 of my own, and did not know what to do, for I knew that I should not meet with such an opportunity in N York, and it was small and neatly put up so that I could conveniently pack it in my trunk. Mr. Dunkin wished me not to hesitate an instant, but borrow 10 dollars of him; but I thought it would be attended with much trouble to remit him the money, as he is not going to N York with Cousin D. I therefore asked Mr. B to lend me 10 dollars, who complied with the greatest pleasure, and I immediately bought the instrument, and have got it safely packed up in my trunk. Now Mama I am sure if you had been in Philadel: with me, you would not have hesitated a minute to supply the deficiency, but I am only fearful that you will not be pleased with me for borrowing the money without first asking your consent; but you must consider that I had not time, if I had written, to receive an answer, and that I could not have bought one of any kind in N York. If, when I return home now, I meet your face half diffused with a smile and half contracted with a frown, I shall not only wish myself again in Philadelphia, where I meet with nothing but smiles, but I shall never forgive myself, or dare to look at you with confidence again. But, if I perceive your countenance oerspread with joy at receiving me, I shall be oerjoyed once more to see you, and fly with redoubled transports to your arms. Give my love to Papa, Grandma, Mary, and Tom. And now I am sure I have trespassed long enough on the limits of decency, in regard to the length of my letter; and shall conclude with declaring myself

Your ever affectionate Son

C C Moore

P S excuse bad spelling &c, for the Post goes tomorrow morning and I have not time to be correct as it is very late.

Our story now moves forward 17 years and our hero is a newly married man of 34. To celebrate the happy event he wrote the long poem: *Biography of the Heart of Clement C. Moore*. He might have omitted it from his published *Poems* for either of two reasons: either it was too personal and sacred for public view or it was not of sufficient merit. Either reason would be legitimate. Sprinkled with stately classical allusions, the poem tells how he was deserting Minerva, the goddess of the arts, for his "worshipp'd maid" whom he describes thus in the final lines of the poem:

Late from his guardian's favorite isle, [England]
An ardent votary of style,
A youthful, giddy, flirting maid,
Had come, her Cupid's plans to aid
With sparkling eye, with rosy cheek,
With tongue that lov'd full well to speak
In ev'ry way that best could tell
She was a laughter-loving belle.
Ah! Who could dream, this fluttering fair,
This outcast from Minerva's care
Could make her pupil heave a sigh,
And fill with love his thoughtful eye?
But, though it ne'er was dreamt nor thought,
Such was the wonder Cupid wrought.

The Goddess, fill'd with lasting hate,
Now left him to his dreadful fate;
Nor, ere he sought those of his nation
In whom he'd waken'd emulation,
Did she on him denounce a doom;
For well she saw that very soon
The fault its punishment would bring;
She saw that to the thoughtless thing,
When she withdrew her guardian care,
His passion he would then declare,
And that, soon settled as his wife,
The fluttering belle would rule for life.

DIVORCE IN COLONIAL NEW YORK

by Matteo Spalletta*

FEW PEOPLE REALIZE that the law of the State of New York currently regulating matrimonial litigation is a product of the middle ages. Fewer still are aware of the fact that its establishment on the American continent is deeply rooted in events and practices dating back to the colonial period of our history. The full significance of that fact seems to have escaped the historian and the legal commentator.

To be sure, attempts have been made to delve into the origin of our law but the inquiry in each instance has been incidental to some other subject. Consequently, the results have been generally fragmentary, or misleading, or contradictory. The purpose of this analysis is to present something in the nature of a systematic record of those events and practices and, if possible, to provide some kind of background against today's problems.

DIVORCE UNDER THE DUTCH

While the Dutch were in control of New Netherlands, its government conformed in general to the jurisprudence of Holland[1] and the liberal divorce laws of that country were invoked and applied in three cases. The first[2] of these arose in 1655. One John Hickes, of Flushing, New York, set forth in his petition, presented to the Council of New Netherlands, that his wife, Hardwood Longh:

ran away from him and has been married to another man for about nine years and has procreated by him 5 or 6 children, he therefore requests that whereas his wife has broken the bonds of marriage (without his

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[1] Charles Cowley, *Our Divorce Courts: Their Origin and History* (Lowell, Mass., 1879). The Dutch law allowed a divorce for adultery. See Johannes van der Linden, *Institutes of Holland*, and *Catholic Encyclopedia*, under "Divorce," Vol. 5, p. 65.

[2] New York Colonial Manuscripts, Vol. 6, pp. 49, 50.

having given any occasion for it) he may be authorized and allowed to enter with some virtuous maiden or widow into the holy estate of marriage, according to political and ecclesiastical law.

The Council considered the petition and found "that John Hickes according to divine and secular law cannot be refused his request and they therefore grant him hereby letters of divorce and . . . they hereby do allow and authorize him, to enter with some honest maiden or widow into the holy estate of matrimony."

The second[3] divorce case in New Netherlands occurred in 1657. One Joris Baldingh or Balden set forth in his petition:

that to his great sorrow he has discovered the dishonorable comportment of his wife with another man, as appears from the attached proof and sentence of the magistrates of Gravesend, on account of which intolerable shame the petitioner intends legally to divorce her, the more so as he has never given her any cause for discontent.

The allegations of the petition were supported by the affidavits of witnesses. One of these witnesses alleged that she

heard Enom Benan (the correspondent) perswad George Baldon's wief for to forsake her husband and to goe to Virginia and the said Enom wood sell all that hee had and follow her and shee should be his wief thar. and the foresaid Enom called her wief and sweethart all ways when Baldon was from hom. Farthermore ye said Enom said that hee would faine have won child by her and then what was his should be hers and all should be at her command. Lickwise charged George Baldon's boy that he should say nothing to his father of what hee saw or heard. Lickwise I do affirme that I saw them both in bed together in one bed and so it hath ben commonly.

Another affidavit was to the effect that there was a "covenant" between the defendant and the correspondent that they "would waitt untill shee (the wife) could be freed from her husband by law ore yt hee was taken from her by death and then Enom and shee weare to live together as man and wief, and in wettness of this thay breake a pece of silver betweene them." The correspondent was cross-examined about the alleged breaking of the silver as well as other details of the case. He testified that the piece

[3] New York Colonial Manuscripts, Vol. 8, p. 415. Other documents in this case are found in the same volume, pp. 417, 419, and 421.

of silver was cut on the request of Abigail "to see whether it ware silver ore brase." He denied all other allegations. The judgment of divorce in this case, granted by Director General Peter Stuyvesant and Council of New Netherland on the ground of adultery, reads in part as follows:

> that according to divine and secular law Joris Baldingh's request can not be denied and the Director General and Council therefore grant him hereby letters of divorce and set and declare him free from the aforesaid Abegall Balden, as we hereby do declare and set him free.

The third and final case[4] of divorce in New Netherland occurred in 1664. One Anneke Adriaens sued her husband, Aert Pietersen Tack, alleging that the defendant had

> not hesitated to marry another woman at Amsterdam in Holland . . . for which reason . . . the petitioner turns to your honors with the humble request that your honors may be pleased . . . to declare the marriage contract between the petitioner and the said Aert Pietersen Tack dissolved and the petitioner placed in her former free state and authorized to marry another man . . .

The petitioner was granted a divorce, with permission to marry another man. The defendant husband, Aert Pietersen Tack, was ordered arrested and confined "in a proper place of detention, to be taken to the place where it is customary to execute justice, in order to be severely flogged with rods, having two distaffs above his head, and further to be branded with two marks on his back and to be banished from this province."

Some criminal prosecutions for adultery present a striking picture of life in New Netherlands.[5] The punishment meted out was swift, harsh and unusual, to say the least. One offender was sentenced "to have a rope around his neck, and then to be severely flogged, to have his right ear cut off, and to be banished for 50 years." For indulging in the same practice, his wife was subjected to "whipping and banishment." The wife's paramour, too, was

[4] New York Colonial Manuscripts, Vol. 10, Part 3, pp. 291–92. The judgment in this case is found in the same volume, same part, p. 293.

[5] Sentences of Ytie Jansen, Laurens Duyts, Jan Parcel (alias Bolcher) and Geesje Jansen, in New York Colonial Manuscripts (Dutch), Vol. 8, pp. 1049, 1051, 1053, and 1055.

rounded up and ordered "to be placed at the whipping post with two rods in his arm, to be banished for 20 years and to pay a fine of 100 guilders ($40.00) with costs." The cycle of punishment was finally completed with the apprehension and conviction of the husband's mistress, whose sentence required that she "be conducted to the whipping post, and fastened thereto, the upper part of her body being stripped naked, and two rods being placed in her hand, to be afterwards conducted, in that wise, outside the city gates and banished from the province for the term of 30 years."

Evidently the Dutch, while allowing divorce to the innocent party, sought to control the divorce menace by cracking down on the offending party as well as on the third person who was involved in the act of infidelity. This policy, though somewhat extreme and certainly tough on philandering spouses, at least had the virtue of being honest and forthright. In that sense, it affords a refreshing contrast to the policy of the law of today, which still professes an interest in checking the divorce evil but does nothing to make that policy stick.

DIVORCE UNDER THE ENGLISH, 1664–1675

The English superseded the Dutch in 1664. In that year Charles the Second granted to his brother, the Duke of York, a charter for the administration and government of the territory embracing "Long Island and New York." Under this charter the Duke of York was granted power to "govern and rule . . . . . according to such laws, orders, ordinances . . . . . as by our said dearest brother or his assigns shall be established . . . . . so always as the said statutes, ordinances and proceedings be not contrary to but as near as conveniently may be agreeable to the laws, statutes and government of this our realm of England." The Duke of York was empowered to appoint Governors[6] and other officers.

[6] These governors, either alone or in conjunction with their councils, exercised all functions of government, including executive, legislative, and judicial (Burtis v. Burtis, 1 Hopk. 557).

Nicolls, the first Governor appointed by the Duke of York to govern the province, sent a notice to the inhabitants of Long Island, requesting that each town send two delegates to a convention to be held at Hempstead. At a meeting of these delegates held in 1665 certain laws previously prepared and known as the Duke's Laws were approved.[7] These laws were then sent to England for confirmation. They were silent on the subject of divorce but they did contain the following provisions:

In What Cases It Shall Not Be Punishable To Re-marry:

If either the man or woman shall be convicted to have falsified their oath to the Justices of Peace or Ministry, the other is free to marry.

If sufficient certificates be brought from any forraigne parts agreeing with allowable circumstances that the man or woman are dead, the time, place, and manner specified under the hand and seal of some creditable person and known Magistrate, the other is free.

If either the man or woman traveling . . . into any forraigne parts, . . . of whom no . . . news shall be had within five years . . . it may be justly presumed such person is dead, and . . . the other is free to marry.

If any man shall hereafter presume to marry contrary to these lawes prescribed, the person offending shall be proceeded against as for adultery or fornication according to evidence the children so begotten shall be reputed bastards, and the parents suffer such paines and penalties by fines or punishment as they have deserved.

Shortly after the adoption of the original draft of these laws they were amended so as to provide:

. . . in all cases of adultery, all proceedings shall be according to the laws of England, which was by divorce from bed and board if sued, corporal punishment, and fine or imprisonment.

The Colony of New York was recaptured by the Dutch in the summer of 1673 and surrendered again to the English in February

[7] The Duke of York's Laws were confirmed at General Assizes in New York in 1665. They were amended three times, once shortly after their adoption (exact date in doubt) and again in 1672 and 1675. See Charles P. Daly, "History of the Court of Common Pleas for the City and County of New York, with an Account of the Judicial Organization of the State and of Its Tribunals . . . ," introduction to first volume of *Reports of the New York Court of Common Pleas*, by E. Delafield Smith (New York, 1855), pp. xxvii and xxxvii.

of the following year. The Duke's Laws were re-enacted, practically unchanged.

During the English administration of the Colony all matrimonial litigation in England was under the jurisdiction of the ecclesiastical courts. No such courts were ever established in America and the English ecclesio-judicial system never took root here. Under that system, a valid marriage could not be dissolved for any reason. The English Parliament undoubtedly had power to regulate divorce matters but the government of the colonies belonged to the King and his Council and not to Parliament.

From the very beginning the colonists appeared determined to break away from this rigid divorce system. Many of the men who came to America left their wives at home; some may have come here to escape marital infelicity. The prospect of living and working in the new country indefinitely without wives and families could not have been an attractive one from their point of view. The resulting tensions on marriage probably led to a loosening of the marital bond. This may, at least in part, explain the pressure for marital adjustments during the Colonial period. Another explanation lies in the fact that the sacramental view of marriage, which was at the basis of the English system, was rejected here. Marriages in the colonies were perfectly legal if solemnized by civil authority.

How could the colonists break away from the English system? At first, the fear of transgressing the limits of the Colonial Charters led to the introduction of divorce by practice and custom and without express law.[8] Later, some of the colonies, including Massachusetts, Rhode Island and Connecticut, adopted laws permitting the granting of divorces, but it is questionable whether any of these laws were ever ratified or approved by the English king

[8] Thus, as early as 1639, the Colony of Massachusetts Bay tacitly authorized dissolutions of marriage under a law which, as re-enacted in 1658, empowered the Court of Assistants to "hear and determine . . . all causes of divorce." In its original form the law contained no reference to "causes of divorce" but in the revision of 1658 the words "all causes of divorce" were included and treated as if incorporated in the original law. Cowley, *Our Divorce Courts: Their Origin and History*, cites the Colony Laws of Massachusetts printed in 1658 and 1660, p. 23, and reprinted at p. 36 of the Laws of 1672.

or his council. Other colonies, in strict observance of the limitations imposed by the colonial charters, did not provide for or allow dissolutions of marriage for any cause.

It has been generally supposed that no divorces, separations or annulments were granted in the colony of New York during its administration by the English—a period of over 100 years. The New York colonial records, however, contain ample evidence to the contrary. In 1669 one William Bogardus[9] was

> freed from any further tye or obligation of matrimony to the said Woijntie Cobrantz & may dispose of himself as a free man lawfully can doe, the former benefitt of marriage between him and ye said Woijntie Cobrantz notwithstanding.

This divorce was granted on the ground of "carnall copulacon with a stranger and thereby hath committed adultery, it having been proved that she hath borne a child in Holland long since she had any society of her husband." It is not clear who granted this divorce.

In 1672 one Thomas Pettit[10] of Newtowne (now Elmhurst, Queens County) obtained against his wife, Sarah, a divorce on the ground of "defiling the marriage bed and committing adultery with several persons." The judgment of divorce in this case was granted by Governor Francis Lovelace, who stated that it was

> Conformable to the Lawes of the Government as well as the practice of the civill law, & the lawes of our nation of England in such cases provided.

It was "adjudged" by the Governor that Pettit be

> freed from any farther obligacon or Tye of Marriage unto her ye said Sarah his wife, & hee is hereby pronounced to bee discharged & acquitted

[9] Miscellaneous Records, Vol. 2: Orders, Warrants, Letters, etc., 1665–1669, pp. 379–80, 407–08; Minutes of the Executive Council of the Province of New York, Vol. 1, p. 64.

[10] Minutes of Executive Council of the Province of New York, Administration of Francis Lovelace, Vol. II, Collateral and Illustrative Documents XX–XCVIII, Albany, State of New York, p. 751. The original of this document was contained in General Entries, Vol. 4, which seems to have perished in the Capitol fire of 1911. A few salvaged manuscript pages of the index of this volume contain the following

from the Matrimoniall Contract heretofore made between them to all Intents & purposes whatsoever; for the wch this present Writing & recording thereof shall bee an absolute and Authentick Bill of Divorce.

The Pettit case had previously been aired in the Court of Assizes[11] on a criminal prosecution for adultery and that court had adjudged it

reasonable that the said Thomas Petit should have a Bill of Divorce from the said Sarah his Wife, the wch the Cort doth recommend to ye Governor, & doe likewise Order, That whensoever ye said Sarah shall bee found within this Governmt, shee shall bee committed to Prison, there to remaine untill the next Cort of Sessions or Assizes, when shee shall bee prosecuted & receive punishment as the Law doth direct for the Crime of Adultery.

The Court of Assizes properly considered its jurisdiction limited to the trial of the criminal charge. But its assumption that the Governor was vested with power to grant divorces was undoubtedly a mistaken one.

In 1672 one Daniel Denton[12] of Jamaica, Long Island, applied to the Court of Sessions for a divorce. Mr. Denton had gone to London on a literary mission and upon his return to the Colony discovered that his wife had been unfaithful to him during his absence. In the proceeding in the Court of Sessions the wife appears to have confessed the charge of adultery against her. That tribunal, however, properly declined to consider Denton's petition for a divorce. Denton then petitioned the Governor and Council.

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under "Divorce": "a bill of, between Thomas Pettit of Newtowne and Sarah, his wife, 213."

[11] Minutes of Executive Council of Province of New York 1668–1673, Vol. 1, p. 142.

[12] John R. Brodhead, *History of the State of New York*, (New York, 1871), Vol. 2, p. 195. Minutes of Executive Council of Province of New York, 1668–1673, Vol. 1, p. 132. The original of General Entries, Vol. 4, cited by Brodhead, cannot be found (see Note 10). The salvaged volume entitled Council Minutes and General Entries, Book 2: Minutes of the Court of Assizes, 1665–1672 lacks pp. 207–519. The salvaged portion of the index to that volume contains the following: "Denton, Daniel, divorced from his wife, 316 . . . ; her petition to be allowed to remarry, 317." The salvaged portion of the index to General Entries, Vol. 4 (mentioned above), contains the following: "Divorce, a bill of, between Daniel Denton and his wife (26th June, 1672), 153." This is the document cited by Brodhead (Vol. 2 p. 195), who had access to the original manuscript records before the Capitol fire of 1911.

Governor Lovelace granted Denton a divorce, again acting on the theory that his action in so doing was "conformable to the laws of this government, as well as to the practice of the civil law and the law of our nation of England." A few months after the granting of the divorce to the husband the defendant wife petitioned the Court of Assizes, expressing regret for her misconduct and asking permission to marry again,

> fearing ye frailty of her nature, & the temtacons that may attend her leading of a single Life, as also for her better support & maintenance having a great Charge upon her, & but five shillings per week allowance for her selfe & three Children, besides some small Matter shee can earne by her work.

The Court granted the petition and permitted the wife to marry another person.

During the same year (1672) the Governor and Council divorced Mary Cole from Daniel Sutton.[13] Mr. Brodhead, in his History of the State of New York, states that this divorce was granted on the ground of "bigamy." To be technically correct, we must assume that the case was brought on the ground of the adultery implied in an allegedly bigamous second marriage.

In 1675 Daniel Lane[14] was convicted in the Court of Assizes of rape, incest and adultery, said to have been perpetrated on his own daughter. After his conviction Governor Andros granted to his wife, Catherine, a divorce. The prayer for divorce by Catherine Lane was incorporated in a petition addressed to the "Hon.

[13] Brodhead, *History of the State of New York*, Vol. 2, p. 195, footnote. Again Mr. Brodhead cites General Entries, Vol. 4, pp. 213, 214, 215. This volume has been referred to, in preceding notes, as not having survived the Capitol fire. The salvaged portion of the index to that volume contains the following entry (backing up Brodhead's citation): "Divorce: a bill of, between Daniel Sutton and Mary Cole, 214, 215." The following entries in the index to Council Minutes and General Entries, Book 2: Minutes of the Court of Assizes, 1665–1672, help to complete the story of this case, even though the pages referred to are lacking: "Bigamy, a trial for, 318; A marriage dissolved on account of, 319; Cole, Mary, 318, 319, 326; Names, Sutton, Daniel, 290, 305, 318, 319, 320, 326, 327, 696; Sutton, Mary, 318; Poligamy, Trial of Daniel Sutton for . . ."

[14] New York Colonial Manuscripts, Vol. 23, p. 330 (O'Callaghan Translation) 1674. New York Colonial Manuscripts, Vol. 23, p. 234. Miscellaneous Records, Book 3, Warrants, Orders, Passes, Letters, Hue and Cry etc. 1674–1679, pp. 149, 178, 181, 182.

Anthony Colve, Governor-General of New Netherlands," asking that she be granted "the lot or land next adjoining her house, without which it is impossible for her to support herself and her four children . . . " The matter of the divorce, presented as a mere incident of the application relating to the property, was set forth in the following language:

> and in order to prevent all further difficulties and inconveniences, the petitioner most humbly prays your Honor to be pleased to grant her a Bill of Divorce or a separation inasmuch as it is sufficiently notorious and well known to everyone that Daniel Lane, her husband, had committed open adultery not only with some strange women not connected by blood, but with his own daughter, begotten by the Petitioner.

The divorce was granted by Governor Andros.

ANNULMENT

The foregoing five cases heard and disposed of in the early stages of the English administration of the Colony were typical divorce cases. There is also a record of an annulment case. In 1669 Governor Lovelace ordered[15] one Eleazer Leveridge and his wife Rebecca to appear before "a special court to examine into and determine" certain differences between them. It appeared that the parties had been married for about seven and a half years. It was claimed on behalf of the wife that the husband had failed to perform his "conjugall duties and had caused the wife to lead a very uncomfortable life with him." It was specifically charged or intimated that the husband was suffering from "impotency and insufficiency." The wife asked that she be granted a divorce. Feeling that it would be inappropriate to hear a matter of this kind in "public court," Governor Lovelace designated several prominent citizens to act as commissioners, under instructions to have the husband examined by able "surgeons" and, in case it should appear that the wife was the one who was "deficient,"

[15] Council Minutes and General Entries, Book 2: Minutes of the Court of Assizes, 1665–1672, pp. 522, 607, 608. Minutes of the Executive Council of the Province of New York Administration of Francis Lovelace, 1668–1673, Vol. 1, Minutes, Collateral and Illustrative Documents I-XIX, Albany, State of New York, 1910, pp. 331–336.

to have her examined by skillful and "sober matrons." The "surgeons" and "sober matrons" reported to the Commissioners in due course that in their opinion the defect complained of was in the husband. The Commissioners in turn reported to the Governor that there was sufficient grounds for the granting of a "divorce" in favor of the wife. Having a better sense of the legal proprieties than his Commissioners, the Governor declared the marriage "null and void," pointing out that the wife had not, during the marriage, received any

due benevolence from ye said Eleazer according to ye true Intention of Matrimony The great end of wch is not onely to Extinguish those fleshly desires & appetites incident to Humane nature but likewise for ye well ordering & Confirmation of the Right of meum & tuum to be devolved upon ye Posterity lawfully begotten betwixt man & wife according to ye Laws of ye Land & practise of all Christian Nations in that Case provided.

SEPARATION

In 1670, the Court of Assizes entered "an order for the separation of Albert Andresen and Gertrude Vosbergh."[16] It appears that sometime before the date of this order the parties had entered into a separation agreement. The purpose and tenor of the order was to "ratify and confirm" that agreement.

Another separation case[17] was that of Annetje Cornelis against the Reverend Jacobus Fabritius in the year 1674. The wife's petition in this case, in part, read as follows:

Annetje Cornelis represents with very great humility, that she has divers times requested, that the house belonging to her and her children from God and nature may be given up to her, as she is very sickly and beladen with the quartan-ague, having been obliged the whole winter to sleep in the garret under the roof of the house, which truly is a very hard thing to happen to an old woman and all this for a drunken and constant pro-

[16] Council Minutes and General Entries, Book 2: Minutes of Court of Assizes, 1665–1672, p. 600. Only a portion of the order is to be found. The rest of the document, on p. 601, is illegible due to burning.

[17] Minutes of Executive Council of Province of New York, 1668–1673, Vol. 1, pp. 94, 95 Berthold Fernow, ed., *Records of New Amsterdam from 1653 to 1674* (New York, 1897), Vol. 7, Minutes of the Court of Schout, Burgomasters and Schepens, September 11, 1673 to November 10, 1674, pp. 44, 47, 51, 52, 58, 60, 80, 83, 94, 107.

phaner of God's name, a cidevant Lutheran preacher, named, as he says, Jacobus Fabritius, her married but unfaithful husband, who has driven her out her own house and chamber, which she intended for her son; which is truly a matter that ought not be tolerated in a place where law is maintained, as is the case in this government, the good God be fervently thanked therefor. The petitioner therefore humbly beseeches Your Worships to be pleased to order, that he deliver up the key of the room without delay to the petitr and to interdict or fobid him to presume to enter the house any more until further order from Yr Worships, on pain of certain arbitrary correction to be found fitting by Yr Worships, the rather as said Fabritius did yesterday not only use force and violence in said house, but also stole property, which at a proper time shall be proved; whereupon awaiting your favorable apostille, remains . . .

The proceedings in this case reflect the informality and scant legal precision then accorded to matrimonial matters. After many delays and evasions the Reverend Fabritius filed an answer to his wife's charges but it was written in Latin. When a copy of this document was served on the wife's lawyer, the latter characterized it as a "lampoon" and demanded that the defendant be required to translate it. The Court ordered a translation of the answer into "good low Dutch." After much legal skirmishing on the part of both litigants, the Court finally granted the wife a separation and directed the husband to refrain from "molesting" the plaintiff. Instead of submitting to the judgment of the Court, the defendant decided to take the law into his own hands. He forced his way into the house and raised such a disturbance that a law enforcement officer known as the Schout had to be called in. The Schout attempted to remove the defendant from the premises but the latter resisted the Schout and the soldiers and even attacked the Schout.

The Fabritius case apparently culminated in a final decision by the Court on June 8, 1674. The Dutch had re-taken the colony of New York from the English in the summer of 1673 and remained in power until February of 1674. The Fabritius case, therefore, had its inception during the second Dutch administration and ended after the colony had been recaptured by the English. This change in administration seems to have had little effect on the proceedings in the case.

The confusion of thought prevailing over matrimonal matters during the Colonial period is again illustrated by a case[18] which occurred in 1670. One Sarah Emery had left her husband and gone to live with her father at the latter's house. Apparently the husband, John Emery, commenced a proceeding against his wife in the Court of Assizes, to obtain "a divorce or separation." The Court declined to grant either form of relief for the reason, as stated, that "there were no grounds for divorce or separation." An order was entered, however, directing the wife to return to her husband. There is nothing to indicate whether the wife responded to this direction and, if not, how it was enforced, if at all.

In addition to the cases referred to above, there is incomplete data pertaining to five other cases,[19] classifiable as follows: two for absolute divorce, one for "divorce or separation," one to compel the wife to live with her husband, and one relating to certain marital differences of an unascertainable nature.

THE GENESIS OF OUR LAW—AN ANALYSIS

The foregoing cases represent the sum total of matrimonial litigation in the Colony and State of New York, of which any record has been found, from 1613 down to 1787, a period of 174 years. And it is noted that all of this litigation occurred between 1655 and 1675.

The English Governors seem to have proceeded on the theory

[18] The salvaged portion of the index to Council Minutes and General Entries, Book 2: Minutes of the Court of Assizes, 1665–1672, contains the following under "Names": "Emery, John, 265, 266, 434, 612, 615;" "Emery, Sarah, 612, 615." Only pp. 612 and 615 are available.

[19] Case of Nicasius De Sille-Catharina Croegers (1670): *The Records of New Amsterdam, 1653 to 1674*, edited by Berthold Fernow, 1897, Vol. 3, p. 90. Minutes of the Executive Council of the Province of New York, Administration of Francis Lovelace 1668–1673, Vol. I, Minutes, p. 42. *Records of New Amsterdam from 1653–1674*, edited by Fernow, Vol. 6, Minutes of the Court of Burgomasters and Schepens, pp. 227, 228; Messenger v. Dartin (1674): New York Colonial Manuscripts, Vol. 23, p. 269; the Hallett case (1674): New York Council Minutes, Vol. 3, Part 2, pp. 17, 19. New York Colonial Manuscripts, Vol. 23, p. 390; Wood v. Wood (1675): New York Colonial Manuscripts, Vol. 25, pp. 84, 85; and the Feakes case (1665–1672): Index to Council Minutes, General Entries, Book 2: Minutes of the Court of Assize 1665–1672 contains the following under "Names": Feakes, James, 432, 496, and under the letter "R": report concerning the differences between Mary and James Feakes, 496. All of these documents are missing.

that the granting of divorces by the Dutch had operated to establish a common law of the Colony.[20] It is difficult to understand, however, how the three cases decided by the Dutch could be considered as having established a common law of divorce, bearing in mind that the English colonists were expressly required by their charter to conform to the laws of the mother country. The English governors were mistaken in assuming that any alleged common law built up by the Dutch could continue in force after the English conquest. The laws of the two countries were fundamentally dissimilar. Furthermore, the period of time covered by the Dutch divorces was far too short to give them any lasting basis as binding precedents. If the question of the validity of the divorces granted in the Colony of New York under the English administration had been presented for adjudication either to the Crown of England or to the English courts, those divorces would probably have been held invalid.

It is to be suspected that neither the English King nor his Council knew anything about those divorces until some time after 1675, from and after which date the practice of granting divorces in the Colony seems to have come to an abrupt stop. Not a single divorce appears to have been granted during the remainder of the colonial period–a matter of over 100 years.[21] What happened

[20] Daly, "History of the Court of Common Pleas for the City and County of New York, with an Account of the Judicial Organization of the State and of Its Tribunals," xli. This author says: "The Dutch law allowed a divorce for adultery and such divorces had been granted by the Court of Burgomasters and Schepens. Of this, doubtless, Lovelace was advised when he declared it to be the law of the Colony. . . ." Governor Lovelace himself, in granting the various divorces, states in each case that his act in so doing was "conformable to the laws of this Government as well as the practice of the civil law . . . ." In Henry W. Scott, *The Courts of the State of New York, Their History, Development and Jurisdiction* (New York, 1909), pp. 152, 153, the author says: "When an action was brought in 1671 for divorce for adultery, the English Court held that it had no jurisdiction. From this rule an appeal was taken to the Governor, who held that since the practice had been prevalent among the Dutch, it was the common law of the Colony . . ." Burtis v. Burtis, 1 Hopk. 557 (Ch. 1825).

[21] James Kent, *Commentaries on American Law*, Holmes 12th Ed. (Boston, 1873), Vol. 2, p. 97. The lack of provision of the remedy of divorce during this period was deplored by Lt. Governor Cadwalader Colden in 1769. By way of contrast to the then situation in New York, he remarked that "in neighboring colonies a divorce is more easily obtained than perhaps in any other Christian Country." Colden's letters in *Publications of the New York Historical Society*, 1868, p. 187.

during that period? The answer to that question, if known, might provide an interesting, if not particularly important link between our colonial beginnings and the present. To speculate is not particularly helpful. It is doubtful whether any special saintliness of marital behavior had suddenly obviated the need for marital relief, or whether the inhabitants came to accept infidelity with resignation and without benefit of legal redress. The more likely possibility is that, as the English system became more firmly established here, the authorities in England found out about the divorce practices in the Colony and proceeded to take measures to stamp them out. Still another possibility is that the English Governors entrusted with the administration of the affairs of the Colony after 1675 were more scrupulous than their predecessors in carrying out the wishes of the King and enforcing the law of England.[22]

During the second half of the eighteenth century some of the American colonies, in line with English parliamentary practice, started to grant divorces by act of their local law-making bodies.[23] These divorces became known as legislative divorces. They were not granted by the courts under the authority of a general statute; they were legislative enactments for the accommodation of specific individuals. Not very many of these divorces were granted at first but as the practice became established, they in-

[22] From and after 1683 the local legislature enacted the laws of the Colony. It never, however, enacted any statute empowering the courts to grant divorces or any other form of matrimonial relief. The situation therefore remained largely unchanged from 1675 up to the date of the separation of the Colony from England. The establishment of the Court of Chancery in 1683, to conform to the High Court of Chancery in England, can have no practical significance in this connection, although it may have operated indirectly to strengthen the English system here and to discourage divorce.

[23] Joel P. Bishop, *Commentaries on the Law of Marriage and Divorce, of Separations* . . . , 4th. (Boston, 1864), p. 593. Sir William Searle Holdsworth in his *History of English Law*, 3d ed. (London, 1922), Vol. 1, p. 623, fn. 4, says that five divorce bills are known to have been presented to Parliament prior to 1715, 60 between 1715 and 1775, 74 between 1775 and 1800 and 90 between 1800 and 1850. The first absolute divorce by special act of Parliament was the one granted to Lord de Roos in 1669. This was only four years after the conquest of the Colony by the English. It would appear, therefore, that the statement by Bishop in his work on Marriage, Divorce and Separation, p. 593, to the effect that "at the time of the settlement of this country legislative divorces were common . . . in England" is not borne out by the records.

creased in number. Their prevalence in America during the colonial period has, however, been exaggerated.[24]

To the extent that they did occur, these legislative divorces led to many abuses. The failure to provide for notice to the defending spouse often resulted in grave injustice. At first the grounds were limited to serious offenses but gradually they were extended so as to include infractions of the most trivial nature.[25] The grounds were sometimes stated, sometimes not. They were never clearly defined. In addition to all this, the investigation and consideration of these divorce petitions consumed a great deal of time of the assembly or legislature.

The English soverign apparently had no taste for these American legislative divorces and having found out about them he promptly cracked the whip of authority. Among the Documents Relating to the Colonial History of New York,[26] there is to be found a communication from George III, dated 1773, relating to such divorces. It was addressed to the Governors of the various colonies, including the Colony of New York, and read as follows:

> Whereas we have thought fit by our orders in Privy Council to disallow certain laws passed in some of our colonies and Plantations in America, . . . for *divorcing* persons who have been legally joined together in Holy Marriage: . . . it is our expressed will and pleasure that you do not . . . give your assent to any Bill or Bills that may have been or shall hereafter be passed by the Council and assembly of the province under your government . . . for the divorce of persons joined together in Holy Marriage . . . G.R.

The New York Colonial legislature refused all applications for private acts of divorce.[27] That there were such applications

[24] Pennsylvania and Maryland have been mentioned as two of the colonies indulging in the practice. The extent of their indulgence *during the Colonial period*, however, is negligible or nil. Pennsylvania granted a total of 304 legislative divorces from 1769 to 1874. Only 2 of these divorces appear to have been granted during the Colonial period (Colonial Laws of Pennsylvania). The first legislative divorce granted by the legislature of Maryland was granted in 1790.

[25] A divorce by special act of the legislature of Maryland, for example, appears to have been granted on the ground that the "affections of the parties are so alienated as to preclude the hope of their living together in harmony and peace."

[26] New York Colonial Manuscripts, Vol. 8, p. 402.

[27] Irving J. Levy, "Jurisdiction of New York Courts in Divorce and Separation Actions," 7 N.Y.U.L.Q. 434 (1929); Burtis v. Burtis, 1 Hopk. 557

seems clear from the preamble to the first divorce statute enacted in the State of New York,[28] stating:

> Whereas the laws at present in being within this state respecting adultery are very defective, and applications have in consequence been made to the legislature praying their interposition; and whereas it is thought more advisable for the legislature to make some general provision in such cases, than to afford relief to individuals upon their partial representations, without a just and constitutional trial of the facts . . . [therefore, etc.].

It is somewhat ironical that the only matrimonal relief ever granted in New York by private or special act of its legislature was granted after the enactment of that statute and after New York became a State of the union.[29]

THE TENACITY OF PRECEDENT

After the War of Independence and for a period of about ten years following adoption of a state constitution, the situation remained unchanged. The State Constitution of 1777 provided that such parts of the common law of England and of the statute law of England and Great Britain and of the acts of the legislature of the Colony as together formed the law of the Colony on April 19, 1775, should be the law of the State.[30] Inasmuch as the

[28] Act of 1787, Ch. 69, Laws of March 30, 1787.

[29] In 1811 the legislature directed the chancellor to grant a divorce to Elizabeth Ross, upon proof that Daniel Ross, her husband, had falsely and maliciously accused her of committing incest with her own brother, or that he had treated her with extreme cruelty. Laws of 1811 Ch. 221, p. 395. In 1818 the legislature granted a legislative divorce to Eunice Chapman, dissolving her marriage to James Chapman. The petition here alleged that the husband had abandoned the wife, without any means of support, and had joined an organization known as the Society of Shakers. The bill was passed over the Governor's veto and became law on March 14, 1818, Laws of 1818, Chapter 47. From 1818 to 1903 the legislature passed a number of bills affording relief in individual cases, which was not available or was even prohibited under the general statutes. Among these were the Von Beck–Deming case (Chap. 29, Laws of 1844); the Durfee case (Chap. 124, Laws of 1847); the Brunlon case (Chap. 87, Laws of 1848); the Coff case (Chap. 22, Laws of 1852); the Dunton case (Chap. 248, Laws of 1855); the Miller case (Chap. 621, Laws of 1866); and the Shorey–Buntin case (Chap. 497, Laws of 1903). In the case last named the legislature legalized a marriage contracted on the faith and on the assumed validity of a divorce previously granted to one of the parties by an act of the Parliament of Canada, and legitimatizing the issue of the marriage.

[30] Burtis v. Burtis, 1 Hopk. 557 (1825).

canon law of England was not a part of "the law of the Colony" on the date in question, it follows that the ecclesiastical divorce system of England did not become a part of the law of the State.

How, then, did we come by our law? In 1787 the then State of New York enacted its first divorce statute and authorized the courts to grant absolute divorces on the ground of adultery.[31] This enactment, ostensibly original in character, was actually patterned after the Civil Law as practiced by the Protestant Reformers of Luther's time[32] and as invoked and applied in the three divorce cases decided during the Dutch administration of the Colony. In all other respects our basic law is not much different from the canon law as administered in the ecclesiastical courts of England from about the twelfth century[33] until about the middle of the nineteenth century. This dual and divergent origin of our law, overladen as it is with ecclesiastical doctrine and dogma, has bedevilled the courts and the sociologists[34] for more than a

[31] It was not until 26 years later (1813) that the legislature authorized the granting of separations. Annulments were first authorized in 1830. These forms of relief had been available in England under the canon law. Other changes effected since 1787 relate to what may be called fringe litigation covering such restricted fields as the granting of dissolutions of marriage for extended and unexplained absence (Enoch Arden), or for insanity, or for being under age, or because of life imprisonment.

[32] Shepherd B. Kitchin, *A History of Divorce*, (London, 1912), p. 215; *Catholic Encyclopedia*, under "Divorce," Vol. 5, p. 65.

[33] To illustrate: It is a basic rule of present day law that no marriage shall be dissolved or annulled on the mere consent of the parties and that such relief must be denied where it appears that there is any connivance or collusion. This rule made its first appearance in the original divorce statute of 1787. It was derived from the 105th Canon of the canon law. The principle embodied in the 105th Canon was in turn derived from a decretal epistle of Pope Celestine III, "who enjoineth that the parties be not separated by their own confession only," which said epistle was renewed in the Canons of 1597 (Richard Burn, *The Ecclesiastical Law*, Fraser's 6th ed. (London, 1797), Vol. 2, pp. 503–04.

[34] A sharp controversy has been going on as to whether the canon law was a part of the common law of England which we took over with our independence. Many of the courts and judges who participated in the process of interpreting the initial divorce statute of 1787 and of building up a general body of law on the subject after the Revolution held that the ecclesiastical rules were applicable and should be adopted here. More recently, however, the courts including the Court of Appeals, have decided otherwise. Burtis v. Burtis, 1 Hopk. 557 (Ch. 1825); Erkenbrach v. Erkenbach, 96 N.Y. 456 (1884); Langerman v. Langerman, 303 N.Y. 465 (1952). This change of judicial viewpoint is now largely academic, inasmuch as many of the rules of the canon law, originally ushered in by judicial interpretation, have in the meantime been enacted into law by statute. Another phase of the controversy relates to the philosophy underlying adoption of canonical doctrine. Mr. Bishop, in his cele-

century and a half and the chances are that it will continue to do so for some time to come.[35] Such are the ways of the law and such is the tenacity of precedent when it becomes imbedded in our system.

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brated work on Marriage, Divorce and Separation, approved of adoption on the ground that it would serve "the public interest." Mr. Kitchin, in his *History of Divorce* (page 215) disagrees somewhat violently, saying: "How the public can have an interest in maintaining a marriage which exists only in name and where there can be no prejudice to the rights of third parties, it is difficult to conceive . . . It is, however, not the interest of the public or of the children which underlies the divorce laws of America . . . but the dogmatic conception common to Reformers and Canonists alike, that the judge represents the Deity in separating those 'whom God has joined' and a desire to conform in some way to the indissolubility of marriage."

[35] Levy, "Jurisdiction of New York Courts in Divorce and Separation Actions," 7 N.Y.U.L.Q. 434 (1929). In endeavoring to answer the question, what makes the law so impervious to change, Levy says "Legislative inertia will probably keep the present laws on our books for many years." During the 25-year period from 1911 to 1935 there were introduced in the Senate and/or Assembly of the State of New York a total of 153 bills on the subject of divorce alone. Of these only 14 appeared to have been enacted into law and none of those 14 can be said to have effected any fundamental changes. The remaining bills were largely for the purpose of liberalizing the law or enlarging the grounds or causes for divorce or re-examining the subject by legislative commission. (Legislative Index Record, Albany, N.Y.) They were all defeated.

BOOK REVIEWS AND NOTICES

Paul Revere's Engravings. By Clarence S. Brigham. (Worcester: The American Antiquarian Society, 1954. xvi + 181 pages, 142 illustrations on 77 photogravure plates, seven folded and five hand-colored, 4to., cloth. Limited to 1500 copies of which 1000 were sold by subscription before publication. $25.00.)

Reviewed by Dr. R. W. G. Vail, Director of The New-York Historical Society.

Every American child knows of the midnight ride of Paul Revere and many of us have admired the beautiful table silver which he made for our ancestors. A few students are familiar with the church bells which he cast, the Masonic jewels he fashioned, the false teeth he made and with his most famous print, the crude view of the Boston Massacre. His other engravings are little known except to the specialist since they are so rare and because there has never before been an adequate volume written about them.

For forty years Dr. Clarence S. Brigham, Director of the American Antiquarian Society at Worcester, has been patiently gathering the material for such a volume which is now ready for the collectors, dealers, librarians, museum and art gallery directors who will henceforth find it one of their indispensable tools.

During the last half of the eighteenth century Paul Revere produced a varied and interesting series of engravings on many themes and for many different purposes. In 1767 he engraved Joshua Chadwick's view of Harvard College and the following year a timely view of Boston showing the British ships landing the troops for the occupation of the city. Two years later he published his most famous print, the Boston Massacre which must have sold in large quantities since, with no attempt at a complete listing, Dr. Brigham found 33 copies in present-day collections. All three of these important engravings are reproduced in full color in the present volume.

Revere illustrated numerous books and magazines, some of his best caricatures and portraits appearing in Isaiah Thomas's *Royal American Magazine* in 1774 and 1775. Some of his most charming engraving is to be found in the Chippendale-bordered trade cards of the time and in his heraldic bookplates now so highly prized by collectors. He also engraved Masonic certificates, music books, illustrations in almanacs and the paper money of Massachusetts.

Though a skilled engraver, Revere was no artist and almost never made his own designs. As was customary in his day, he copied the works of others wherever he found them, generally from English prints or book and magazine illustrations. The discovery of the originals was a fascinating search which occupied Dr. Brigham for many years. He has been successful in locating most of them and has reproduced them in the present volume side by side with Revere's copies.

KING PHILIP

Engraved by Paul Revere to illustrate Church's *History of King Philip's War*

SA GA YEATH QUA PIETH TOW

King of the Maquas

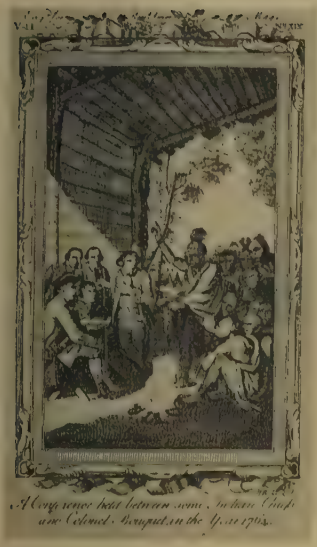
Engraved by John Simon after the portrait by John Verelst

Of course the most interesting of these borrowed prints is that of the Boston Massacre which Revere copied from the original by Henry Pelham. This great rarity is here reproduced in full color for the first time from the unique perfect original at the American Antiquarian Society which owns nearly all of the known Revere engravings. Dr. Brigham's fascinating study tells the whole story of this famous print* and of its many copies by other contemporary or modern engravers.

There are two minor illustrations for which Dr. Brigham failed to find the sources but, since the subjects are supposed to be American Indians, we cannot resist the temptation to point out the prototypes of these crude but interesting prints. One is the portrait of King Philip which appears as one of the two plates in Thomas Church's *The Entertaining History of King Philip's War*, Newport, 1772, which Dr. Brigham describes with complete accuracy as " a grotesque effigy of what Revere supposed the celebrated Indian chief looked like." But he failed to identify its source.

New England collectors have often wondered where Revere got his idea for this crude full-length figure of an Indian, gun in hand, with an

* One issue is reproduced from the unique original in The New-York Historical Society.



BOUQUET'S INDIAN
CONFERENCE OF 1764

Engraved by Paul Revere
after a painting by Benjamin West

DETAIL OF MASSACHUSETTS
BANK NOTE OF 1775

Engraved by Paul Revere

Indian council scene in the background. There was a famous series of full-length mezzotints of the four New York Indian chiefs, called "The Four Kings of Canada," who visited Queen Anne in 1710 and had their portraits painted and engraved in London at that time. This series of mezzotints by John Simon after the paintings by John Verelst has always been very rare, less than half a dozen sets being known in America (one in our own collection) but one set of them has been in the American Antiquarian Society from an early date. It is still the only set in Massachusetts and was probably owned by the founder of that Society, Isaiah Thomas, the intimate friend of Paul Revere. It may very well be that this very set was known and studied by Revere while it was owned by Thomas.

One of this series is the portrait of *Sa Ga Yeath Qua Pieth Tow, King of the Maquas*, Chief Brant (also called *Old Smoke*), grandfather of the famous Mohawk chief, Joseph Brant. Revere's King Philip is a crude adaptation of this mezzotint in reverse. The Indian council in the background is partially copied in reverse from Benjamin West's *A Conference held between some Indian Chiefs and Colonel Bouquet, in the year 1764*, which was reengraved by Revere for the *Royal American Magazine* in 1774 and reproduced at page 89 of Dr. Brigham's book.

The first item described and illustrated in Dr. Brigham's chapter on paper money, pages 141–142, is the Massachusetts note of July 28, 1775. He describes the elaborate rectangular design at the left side of the plate, "with a codfish at the top, and the rather crude figure of a patriot holding in his right hand a staff surmounted by a liberty cap." Beneath this figure, but not mentioned by Dr. Brigham, is the monogram *C M B*, for the Colony of Massachusetts Bay.

An examination shows that the "rather crude figure of a patriot" in the decoration is in reality an attempt to picture a Massachusetts Indian and is, again, based on the John Verelst engraving of Chief Brant of the Mohawks but with a staff and liberty cap substituted for the musket of the original, and with certain details of costume borrowed from one of the mezzotints of the series, that of *Etow Oh Koam, King of the River Nation*, or, more correctly, Etawa Caume, Sachem of the Mohegans.* A glance at our illustrations will show how Revere borrowed from Verelst's mezzotints in order to depict his colonial Massachusetts Indians.

This extremely valuable and interesting monograph begins with an excellent introduction and includes a complete description and reproduction of each of Revere's engraved plates, together with its history and all bibliographical facts concerning it. There is an excellent index and the photogravures by the Meriden Gravure Company are of the highest quality. The title page and the entire make-up of this beautiful volume are highly creditable to the Harvard University Printing Office. Only 1500 copies were printed and two-thirds of them are already sold. It is the finest book ever published on an early American engraver.

Early Victorian Architecture in Britain. By Henry-Russell Hitchcock. (New Haven: Yale University Press, 1954. Two vols., illus. $20.00.)

Reviewed by Dr. Ruth Emery, Assistant Professor of History at Rutgers University, who is at present working on a book on A. W. Pugin and the Gothic Revival.

The reappraisal of the Victorian period being currently undertaken in the fields of literature and history has its counterpart in the field of the arts; and Victorian architecture, long dismissed as the epitome of all that is reprehensible in building form, is consequently being reexamined. The bias of previous writing on the subject has been determined in part by the selection of documents, certain forms which lent themselves to easy ridicule having been represented as typical. Gothic Revival Buildings, with their pseudo-medieval features, and experimental essays in construction like the Crystal Palace, which utilized the new materials developed in the nineteenth century, have been isolated and portrayed, with a degree of plausibility, as characteristic products of a parvenu and uncultivated middle class society. A sound evaluation of Victorian architectural achievement, however, must be comprehensive in scope; and

* *Portraits of the Four Kings of Canada.* By R. W. G. Vail, in: *To Doctor R.*, Phil., 1946, p. 218–226, 2 plates.

Henry-Russell Hitchcock's *Early Victorian Architecture in Britain* is most valuable because it presents a brilliant analysis of all types of significant building designs employed in the period.

Two handsome volumes, one of text and another of illustrations, offer the reader for the first time a visual image and a precise description of more than five hundred buildings erected in England between the mid-1830's and the mid-1850's. In the accompanying text Professor Hitchcock allows the reader to share the builders' problems as revealed in their records, their expense accounts, their correspondence; moreover, he describes the conflicting concepts of standards and styles that prevailed as the Victorians groped their way through an unprecedented combination of circumstances in the building trades. One of their problems was the adaptation of new materials and techniques to the needs of a dynamic industrial society; another was the necessity of meeting a demand for new construction that far exceeded the supply of competent designers and builders. Then, too, there was a clientele of untutored taste whose whimsical preferences had to be taken into account. The consequent process of trial and error often produced ludicrous results, it is true, but it frequently produced ingenious solutions and sound principles.

Professor Hitchcock's study creates the impression that the Victorian age was one of tremendous vitality of architectural thought and shows that flexibility and conscious empiricism characterized the work of even "the Revivalists." The admirable introductory essay to Volume I assigns early Victorian building its proper place in the history of architecture by stressing its continuity with the past and its relationship to future architectural developments in a way that should go far to correct the common impression of Victorian building as an aberration outside the main stream. The volume of illustrations brings together a truly remarkable collection of contemporary graphic materials and recent, specially taken photographs. These include architects' drawings, details of the new iron construction, plans for multiple housing projects which provide added insight into the ferment of ideas that underlay Victorian building.

Students of American architecture already know Professor Hitchcock's distinguished scholarship in their own field. Since developments in this country closely paralleled those in England, they will find the present work indispensible. In some instances the text specifically notes transatlantic relationships. But the whole story is highly relevant to American cultural history; for English precedent from the beginning has determined our taste as well as our political ideals, and there is no phase of early Victorian building in England that did not have its counterpart in the United States. The "battle of the styles" had its skirmishes here, and the Hudson river winds its way among perfect examples of "Gothic" and "Greek," to say nothing of castellated mansions. Men read Ruskin here as well as abroad and tried to build according to moral principles with the same high seriousness as their English

contemporaries. Unquestionably Professor Hitchcock's book will contribute to a better understanding of Victorian architecture on both sides of the Atlantic.

Understanding the American Past: American History and Its Interpretation. Written and edited by Edward N. Saveth, with an Introduction by Allan Nevins. (Boston: Little, Brown and Company, 1954. ix + 613 pages, notes, index. $6.00.)

Reviewed by GEORGE A. SHEPPERSON, Lecturer in Imperial and American History at the University of Edinburgh, Scotland.

This book is a carefully chosen and edited anthology of thirty extracts from the writings of professional American historians—largely contemporary—on "some of the highlights of American history" from the Puritans to the "Sittings Ducks" of Clark Field. Despite the author's assertion that "the selections are historic rather than historiographic, having to do with events . . . rather than . . . interpretation," it is clear from the notes, the succinct introductions to each extract and, above all, from his persuasive sixty-page opening essay on "Historical Understanding in Democratic America" that Mr. Saveth's interest is in interpretation rather than event. Nevertheless, the book conveys a surprising amount of straightforward history at the same time as it endeavours to give the reader his bearings in the maze of historiography. The selections are felicitous—Commons on Gompers and Marx is particularly apt—though the substitution of Becker's "Kansas" for Turner's "Significance" as an example of frontier problems does not seem altogether satisfactory. Despite a little excusable chauvinism, this approach through selection and commentary seems a sound way of presenting the best elements in the American tradition, and the book should find a ready public on both sides of the Atlantic.

A Traveler's Guide to Historic Western Pennsylvania. By Lois Mulkearn and Edwin V. Pugh. (Pittsburgh: University of Pittsburgh Press, 1954. xxviii + 425 pages, maps, index. $3.00)

Reviewed by DR. PAUL A. W. WALLACE, Assistant Historian of the Commonwealth of Pennsylvania and Editor of *Pennsylvania History*.

This delightful volume sets a high standard for local guide books. The present reviewer confesses that reading it has given him more pleasure than he has received from any other guide book since he first read Edward Whymper's *Chamonix* and *Zermatt*, perhaps because, like those classics in their field, it quotes freely from contemporary sources and especially from the men of action who made the places described historically memorable.

"Pittsburgh," we read (page 3), "had its beginning in a recommendation made by George Washington to Robert Dinwiddie, lieutenant governor of Virginia, January, 1754. . . . 'As I got down before the Canoe, I spent some time in viewing the Rivers, and the Land in the Fork; which

I think extremely well situated for a Fort, as it has the absolute Command of both Rivers.' "

Again we read (pages 12-13): "In a letter begun November 27, 1758, and finished January 21, General Forbes informed William Pitt, Britain's wartime Prime Minister, 'I have used the freedom of giving your name to Fort DuQuesne, as I hope it was in some measure the being actuated by your spirits that now makes us Masters of the place.' "

A Traveler's Guide is intended to help motorists with a taste for history to indulge their bent, and it succeeds. Its information is organized by counties (a convenience to the tourist), each county being introduced by a brief historical sketch accompanied by a map, after which the county's wares are spread out, item by item, for inspection. And it is not only travelers who will be benefited by this method. The citizen, for instance, of Pittsburgh or of Erie may be surprised to find how much there is of historical interest in his locality, and how easy it is, with the aid of this book, to find things that he has often heard of but never seen for himself. Even the casual reader, the arm-chair traveler, will find pleasure in turning the pages and seeing how much fresh information the authors have gathered about places that are already familiar to him.

It is perhaps as a work of reference that the *Guide* will be most valuable. Mrs. Mulkearn, editor of the important *George Mercer Papers*, knows her western Pennsylvania source materials well. But she is not, in the *Guide*, merely retreading well-known paths of research. She and her co-author, Mr. Pugh, have combed innumerable studies made by local antiquaries, and have brought together in convenient form a vast quantity of interesting material that would otherwise be lost to all but a few local enthusiasts. The authors have, moreover, actually visited the places described and so are able to give the traveler practical directions how to reach them.

It is a dependable book. Granted that, in pioneering work of this kind (in which local antiquarianism is brought out and presented to the Muse of History), it is not possible to avoid an occasional slip, the *Guide* has, nevertheless, a remarkably small percentage of error. The editors have been assiduous in collecting the latest and best information on a thousand disputed points, and they have kept cool heads in the midst of local historical controversies. They have managed to be cautious in statement without disappointing the reader by timidity and evasion. They express positive opinions, usually as far advanced as the available evidence justifies, without committing themselves to positions that may later be found untenable. For example, while they do not exactly locate the site of the "Murdering Town" of Washington's 1753 journey to Fort LeBoeuf, they claim that it lies somewhere within a precisely delimited area: a small triangle of which the corners are Harmony, Evans City, and Connoquenessing. The latest research supports this opinion.

Certain parts of Western Pennsylvania have received preferential treatment. Allegheny County is given 95 pages, Fayette County 36, Washington County 33, Westmoreland Country 32, and Bedford County

21; whereas Erie County gets only 11 pages. Potter County 4, Cameron County 3, Elk County 2. But, if the more favored (numerically) group are observed in their geographical setting, it will be found that they are all on the main route of eighteenth-century travel to the West. The authors have followed Pennsylvania's path of empire through the Juniata Gateway at Bedford to the Forks of the Ohio at Pittsburgh and on through Washington County towards Kentucky. Along this migration route small incidents assume importance because they occurred within the main stream of American history.

This is a notable book. Well written, conveniently organized, fully indexed, in good type, and provided with excellent maps, it may fairly rank as A Publisher's Guide to Good Guide Books.

Southern Tier. By Arch Merrill. Volume I (Rochester: Seneca Book Binding Co., 1953. [10] + 213 pages, 12 illus. $2.50) Volume II (same publisher, 1954. [10] + 212 pages, 12 illus. $2.50.)

Reviewed by Dr. R. W. G. Vail, Director, The New-York Historical Society.

For thirty years Arch Merrill, one of the best-loved editors of the *Democrat and Chronicle*, has been a newspaperman in Rochester, New York, and for a dozen years his many rambles through central and western New York have brought delightful feature articles to his readers. These charmingly descriptive and historically accurate travel stories have been collected into thirteen annual volumes, complete sets of which are to be found in the public libraries of the region and on the shelves of many a native Western New Yorker including the present writer.

The most recent of these delightful little volumes are devoted to "The Southern Tier," a descriptive phrase little understood beyond its borders, a region of picturesque beauty, dramatic history and varied industry; a sequence of seven New York counties bordering the Pennsylvania line. including Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga and Broome and including some 650,000 inhabitants.

Here Arch Merrill was born and so it was inevitable that he should become the chronicler of the region–perhaps the first to bring the whole Southern Tier to the reading public and show the outside world its rare beauty and its important place in our ancient and present-day history.

The four western counties are described in 26 delightful chapters in *Southern Tier, Volume One* which appeared in 1953, and the rest of the Tier occupies the 22 chapters of the second volume which was published in 1954. Each volume is illustrated with a dozen recent photographs and a gay jacket over its cloth binding.

Though of fascinating interest to any upstate New Yorker, these volumes are surprisingly good reading even if you never visited the region and know nothing of such towns as Alfred, Dunkirk, Fredonia, Johnstown, Chautauqua, Salamanca, Olean, Painted Post, Wellsville, Hornell, Bath, Hammondsport and Corning, the principle communities of the first volume; or Elmira, Horseheads, Owego, Waverly and its Pennsylvania

neighbors Athens, Binghampton, Endicott, Johnson City and Deposit, which appear in volume two.

Written with the charm and skill of a great newspaper man and with the devotion of an unusually well-informed native son, these varied and delightful chapters tell of the quiet beauty of the counties where grapes grow and become wine and where, at Chautauqua, rural culture grows–without wine. In other counties we find the rugged, gusty oil, mining and railroad towns and others with famous factories specializing in beautiful and useful glass, office equipment, computing instruments which almost think and great plants for the manufacture of shoes and household furnishings. Here, scattered among the hills and on wooded lakes are schools, colleges and delightful summer resorts. There is also much rich, rolling farming country where potatoes grow; and sleepy river and canal towns basking in memories of lost days of grandeur when water transportation made them briefly great.

As we wander through village streets and along country roads we meet the ghosts of former sons or earlier residents whose names we know: De Céloron, the eighteenth-century French explorer; Erastus Dow Palmer, the sculptor; Chauncey M. Depew, politician, after-dinner speaker, and railroad man; New York's Governors Seward, Fenton, Higgins, Hill and Robinson; such famous authors as Mark Twain, Jean Webster and Grace S. Richmond; Dr. Mary E. Walker, the "feminist" who dressed like a man by act of Congress; Frank Howard whose famous watches, sold by mail order, started Sears and Roebuck on their way to fortune. Then there are Dr. Thomas B. Welch, the prohibitionist who founded the grape-juice industry; George M. Pullman, inventor of the Pullman car; and Benjamin F. Goodrich, founder of the rubber industry.

Other varied and interesting personalities once familiar figures among these rolling hills include the famous prizefighter, John L. Sullivan; Victor du Pont de Nemours of the Deleware munitions family; Glenn Curtis, pioneer aviator; Frank Pollay who made the first jinrikisha for Reverend Jonathan Goble, the missionary to Japan; Jemima Wilkinson, the "Universal Friend"; Cornplanter, the famous Seneca Indian chief; Stephen C. Foster, the immortal songster; Amory Houghton of Corning and Steuben glass; Thomas J. Watson (not yet a ghost by any means), the builder of I.B.M. machines; George F. Johnson of the Endicott-Johnson Shoe Company; John D. Rockefeller, Sr.; political boss Thomas C. Platt; Max Eastman, the one-time Socialist; John N. Willis, inventor and manufacturer of the Willys-Overland cars; and another group of literary folk: N. P. Willis who lived and wrote for five years at Owego; Henry M. Roberts whose "Rules of Order" are universally used in all our deliberative assemblies; Casper Whitney, editor and publisher of "Outing" and a long list of sporting books; Zane Gray the Western novelist who wrote for "Outing" and made a fortune writing our first important "Westerns"; and the heroine of the airwaves, Lucile Ball, born at Jamestown, who has her tens of thousands of followers in the serial: "I Love Lucy."

ACTIVITIES OF THE SOCIETY

DURING JULY a Friday-morning story hour was held in the Society's garden under the supervision of the New York Public Library. On Saturday afternoon, September 24th, the auditorium was the scene of the Society's special Davy Crockett program, featuring color films of Tennessee and Florida, with recorded music by Rusty Draper, and demonstrations of life in Davy Crockett's day—Kentucky rifles, tomahawks, candle-dipping, and Polly Crockett at the spinning wheel.

During October and November a series of eight film programs will be presented in the auditorium on Saturday afternoons at 2:00 o'clock. Centering on the theme, "United Nations Birthday," the films have been selected to illustrate the history, organization, work, and membership of the United Nations and its agencies. The programs are as follows:

October 1: *History and Organization of the United Nations*

The People's Charter
Workshop for Peace
The Grand Design
San Francisco 1955

October 8: *The Work of the United Nations*

This Is the Challenge
Of Human Rights
Operation Goodwill
Philippines—Economic Progress
Danish Children Build Greek School

October 15: *UNESCO—United Nations Educational, Scientific and Cultural Organization*

New Horizons
World Without End

October 22: *UNICEF—United Nations International Children's Fund*

The Mothers of Acari
The Children
Health Centers in Burma
University of the World
Guatemala Tells a New Story
Palestine Refugees
Philippines—Social Progress

October 29: *FAO—Food and Agricultural Organization*

Bombay Milk Scheme
Ethiopia Advances
Green Gold
Challenge in the Desert
The Fishermen of Quintay

November 5: *WHO—World Health Organization*

Somewhere in India
Rural Nurse

ICAO—International Civil Aviation Organization

Winged World

WB—World Bank

Power Changes Mexico
India Fights Kans

November 12: no film program

November 19: *Technical Assistance*

Article 55	A Village Awakens
Yugoslavia Today	Thailand's Streams of Life
Help for Pakistan	Afghanistan Moves Ahead

November 26: *Political Affairs*

United Nations in Korea	A New Future for Somaliland
Birthday for Eritrea	Youth and the United Nations

On Saturdays from 10:00 to 11:40 a.m., starting September 24th, a survey course in American Art will be offered at the Society by the Extension Division of the School of General Studies, The City College, in collaboration with The New York Public Library. The instructor will be Mr. F. W. Bilodeau, Supervisor of Education at The New-York Historical Society. The twelve-lecture course will present a chronological survey of the development of American art from the 17th century to the present and the collections of the Society will be utilized to illustrate the course.

Special exhibitions scheduled for the fall include THE ARNOLD SHIRCLIFFE MENU COLLECTION (opening October 5th), PAINTINGS BY EZRA AMES (opening November 10th), and the annual RECENT ACCESSIONS show (opening in November). The exhibition of paintings and silver from the BEQUEST OF WALDRON PHOENIX BELKNAP, JR., which opened in May, closes on October 2d, as does the companion exhibition of COLONIAL PORTRAITS AND THEIR PROTOTYPES illustrating the discoveries of Mr. Belknap concerning the relationship between Colonial portraiture and the English mezzotint.

The annual lecture series for members and guests of the Society will open on October 4th with a lecture, "History on the Table Top," by Mrs. Helen Sprackling. On November 8th Mr. Robert K. Wheeler, Director of the Albany Institute of Art, will address the Society on the work of the Albany portrait painter, Ezra Ames. And on December 6th, members and guests of the Society will be entertained at the annual St. Nicholas Day party.

On June 6th our Trustee, Arthur H. Merritt, D.D.S., D.Sc., delivered the commencement address at Baylor University, Waco, Texas, and was awarded the honorary degree of Doctor of Laws (the third conferred during Baylor's history).

RECENT ACCESSIONS

ONE-HUNDRED EIGHTY-SEVEN menus; 27 tickets, invitations and programs; five miscellaneous leaflets. *Gift of Mrs. Charles W. Bryan, Jr.*

Gold watch made in Chester, England, 1815/16, which once belonged to Robert L. Livingston (1775–1843). *Gift of Miss Cornelia L. Clarkson.*

Thirty-five theater and opera programs, *c.* 1870–1895, and seven magazines and newspapers of that period. *Gift of Mr. Irving C. Eldredge.*

Collection of 100 pieces of railroad and dining car china, with correspondence of the donor with various railroad companies while building the collection; commutation ticket between Newark and New York, 1864; timetable of Harlem Bridge, Morrisania & Fordham Railway, 1879; three photographs of railroad locomotives made by Danforth Locomotive & Machine Company. *Gift of Miss Dora Whitman Fluekiger, in memory of Mrs. Florence E. Wilson.*

Deed of sale of a Negro slave girl, New York, April 24, 1766. *Gift of Mr. Harry G. Friedman.*

First-flight air mail cover, with letter, addressed to the donor, carried by Charles A. Lindbergh on the first flight from Panama City to the United States, February 8, 1929. *Gift of Mr. Robert A. Gibney.*

Manuscripts, in his own hand, of five poems by Clement C. Moore (1779–1863), one of which has never been published; two juvenile letters of Clement C. Moore. *Gift of Mrs. Richard C. Hunt (Grace Arnold Moore), great-granddaughter of Moore.*

Twenty-four letters, 1835–1850, between Horace Gay and his wife, Fidelia Thompson Gay, great-grandparents of the donor; 21-page manuscript of reminiscences of Riga, Monroe County, N.Y., in the early nineteenth century, by Mrs. Horace Gay. *Gift of Mrs. Katherine Gauss Jackson.*

Deed for land in Montgomery County, N.Y., to Alexander Macomb, signed by Governor George Clinton, December 24, 1787, with official seal of the State. *Gift of Mr. A. W. Jones.*

Eighteenth-century brocaded gown which probably belonged to Mrs. Joshua Wright (1768–1849); flag made by Mrs. John E. Forbes and hung from their Fifth Avenue home when the Seventh Regiment marched off to the Civil War. *Gift of Mrs. Irving McKesson.*

Silver sugar tongs made by Myer Myers; twelve forks made by Baldwin Gardiner; two plates and other family items. *Gift of Mr. John B. Morris.*

Pamphlets and documents relating to John C. Frémont's mining interests. *Gift of the Museum of the City of New York.*

Thirty-six bound volumes containing pamphlets, sermons and discourses, tracts of medical and temperance societies, and reports of charitable, educational and religious institutions, published between 1792 and 1849; ninety-one other books, pamphlets and periodicals. *Gift of New York University.*

The Topography and Hydrology of New York, by Egbert L. Vielé (New York, 1865), with a topographical map of the city showing the original water courses. *Gift of Mr. Edward C. Parish.*

Knee and shoe buckles of Joshua Brookes (1773–1859). *Gift of Mrs. Walter S. Poor.*

Whale's tooth with scrimshaw drawings of New York City Hall and the engagement between the *Peacock* and *L'Epervier*. *Gift of Mr. Edmund Astley Prentis.*

Thirteen files containing semi-annual statements of car bodies submitted to the Transit Commission by subway, street railway and elevated railway companies of New York and Brooklyn, 1908–1943, including among others: Interborough Rapid Transit Corporation, New York Railways Corporation, Third Avenue Railway Company, Brooklyn City Railroad, Brooklyn and Queens Transit Corporation, Bush Terminal Railroad Company, and the New York Westchester & Boston Railway Company. *Gift of the Public Service Commission.*

Staffordshire plate, "The Mayflower in Plymouth Harbor 1620." *Gift of Mrs. Hazel Pyatt.*

Three modelling sticks and two sets of drafting instruments used by the sculptor, John Rogers [1829–1904], father of the donor; small plaster bust by John Rogers of his mother, Mrs. John Rogers, Sr. (Sarah Ellen Derby [1805–1877]); oil portrait of John Rogers as a child; four photographs and a daguerreotype of John Rogers, and twenty photographs of other members of his family; two albums of his statuary groups; four photographs of Joseph Jefferson; *The Holy Bible* (Cambridge, 1762) of John Rogers, Sr. [1800–1884], containing birth records of his children; books, clippings, and other family mementoes; manuscript autobiography of John Rogers; pamphlets, manuscript notes and letters relating to the genealogy of the Rogers and Francis families, and a typewritten record of the Rogers and Bromfield families compiled by Henry Bromfield Rogers and his daughter, Annette Perkins Rogers; a poem and illustrated story by John Rogers, and sixty-eight letters written to and by him, 1836–1902; and fifty-one other letters of various members of the Rogers family. *Gift of Miss Katherine R. Rogers.*

Volume with bookplate of Samuel Jones (1734–1819), containing *The Constitution of the State of New York* (New York: Samuel Loudon, 1783), *The Resolutions of Congress of the 18th of April*, 1783 (New

York, 1787), and other eighteenth-century documents, with a manuscript index. *Gift of Mrs. Edward Rutledge.*

Thirteen pamphlets, leaflets and periodicals, including addresses on historical topics, anniversary memorials, and other items mostly relating to New York. *Gift of Mr. Milton Halsey Thomas.*

Copy of the *Poughkeepsie Journal*, September 28, 1796; and two nineteenth-century New York State boat tickets. *Gift of the Virginia Historical Society.*

Eighteenth-century American Hepplewhite sideboard which belonged to Joseph Willcox of Killingworth, Ct., who served in the Revolutionary War. *Gift of Mr. and Mrs. Harry E. Ward.*

Seed pearl parure consisting of necklace, brooch and earrings, given to Fanny Arnot at her marriage to R. S. Palmer of New York in 1864. *Gift of Mrs. Forsyth Wickes.*

Personal papers of William Halsey Wood (1855–1897), architect, organist and choirmaster, including sixty-five personal letters, two sketchbooks, twenty-five drawings, and ten books and pamphlets relating to architecture. *Gift of his children, Mr. William Halsey Wood and Mrs. W. A. Burrows (Emily Hemsley Wood).*

THE PAPERS OF ALEXANDER HAMILTON

The attention of our readers is called to the new and complete edition of the papers of Alexander Hamilton under preparation by Columbia University. The editors wish to locate any letters to or from Hamilton and any other Hamilton documents in private hands. If any of our readers possess such documents or know of them, the editors would greatly appreciate any information on their whereabouts and availability. Correspondence should be directed to Dr. Harold C. Syrett, The Papers of Alexander Hamilton, Columbia University, New York 27, N. Y.

THE NEW-YORK HISTORICAL SOCIETY QUARTERLY

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